LETTERS

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JUNIUS.

Complete in ONE VOLUME.

A NEW EDITION.

STAT NOMINIS UMBRA.

LONDON: PRINTED IN THE YEAR 1783.

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JUNIUS.

Complete in One Voluke.



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DEDICATION

TO THE TO THE

ENGLISH NATION.

I DEDICATE to You a collection of Letters, written by one of Yourselves for the common benefit of us all. They would never have grown to this fize without your continued encouragement and applause. To me they originally owe nothing but a healthy, fanguine, constitution. Under Your care they have thriven. To You they are indebted for whatever strength or beauty they possess. When Kings and Ministers are forgotten, when the force and direction of personal fatire is no longer understood, and when meafures are only felt in their remotest consequences, this book will, I believe, be found to contain principles worthy to be transmitted to posterity. When you leave the unimpaired, hereditary freehold to Your children, You do but half Your duty. Both liberty and property are precarious, unless the possessors have fense and spirit enough to defend them .- This is not the language of vanity. If I am a vain man,

man, my gratification lies within a narrow circle. I am the fole depositary of my own

fecret, and it shall perish with me.

If an honest, and, I may truly affirm, a laborious zeal for the public service, has givenme any weight in Your esteem, let me exhort and conjure You never to fuffer an invafion of Your political constitution, however minute the instance may appear, to pass by, without a determined, persevering resistance. One precedent creates another.—They foon accumulate, and constitute law. What yesterday was fact, to-day is doctrine. Examples are supposed to justify the most dangerous measures; and where they do not fuit exactly, the defect is supplied by analogy.—Be affured that the laws, which protect us in our civil rights, grow out of the constitution, and that they must fall or flourish with it. is not the cause of faction or of party, or of any individual, but the common interest of every man in Britain. Although the King should continue to support his present system of government, the period is not very diffant: at which you will have the means of redrefs in your own power. It may be nearer perhaps than any of us expect, and I would warn You to be prepared for it. The King may possibly be advised to dissolve the present parliament a year or two before it expires of course, and precipitate a new election, in hopes of taking the nation by furprise. If fuch a measure be in agitation, this very caution may defeat or prevent it. I

I cannot doubt that You will unanimously affert the freedom of election, and vindicate your exclusive right to choose your representatives. But other questions have been started, on which your determination should be equally clear and unanimous. Let it be impressed upon your minds, let it be instilled into your children, that the liberty of the press is the Palladium of all the civil, political, and religious rights of an Englishman; and that the right of juries to return a general verdict, in all cases whatsoever, is an effential part of our constitution, not to be controuled or limited by the judges, nor in any shape questionable by the legislature. The power of King, Lords, and Commons, is not an arbitrary power *. They are the trustees, not the owners, of the estate. The

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^{*} This positive denial, of an arbitrary power being vested in the legislature, is not in fact a new doctrine. When the Earl of Lindsey, in the year 1675, brought a bill into the house of lords, To prevent the dangers which might arise from persons disaffected to government, by which an oath and penalty was to be imposed upon the members of both houses, it was affirmed, in a protest figned by twenty-three lay peers, (my lords the bishops were not accustomed to protest), "That the " privilege of fitting and voting in parliament was an " honour they had by birth, and a right fo inherent in "them, and inseparable from them, that nothing could * take it away, but what, by the law of the land, must " withal take away their lives, and corrupt their blood." -These noble peers (whose names are a reproach to their posterity) have, in this instance, solemnly denied the power of parliament to alter the constitution. Under a particular proposition, they have afferted a general truth, in which every man in England is concerned.

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fee-simple is in US. They cannot alienate, they cannot waste. When we say that the legislature is supreme, we mean, that it is the highest power known to the constitution;that it is the highest in comparison with the other fubordinate powers established by the laws. In this sense, the word supreme is relative, not absolute. The power of the legislature is limited, not only by the general rules of natural justice, and the welfare of the community, but by the forms and principles of our particular constitution. If this doctrine be not true, we must admit, that King, Lords, and Commons, have no rule to direct their resolutions, but merely their own will and pleasure. They might unite the legislative and executive power in the fame hands, and diffolve the constitution by an act of parliament. But I am persuaded You will not leave it to the choice of seven hundred persons, notoriously corrupted by the crown, whether feven millions of their equals shall be freemen or slaves. The certainty of forfeiting their own rights, when they facrifice those of the nation, is no check to a brutal, degenerate mind. Without infifting upon the extravagant concession made to Harry the Eighth, there are instances, in the history of other countries, of a formal, deliberate furrender of the public liberty into the hands of the Sovereign. If England does not share the same fate, it is because we have better resources than in the virtue of either house of parliament. er a perticular propolition are

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I said that the liberty of the press is the palladium of all your rights, and that the right of the juries to return a general verdict is part of your constitution. To preserve the whole system. You must correct your legislature. With regard to any influence of the constituent over the conduct of the representative. there is little difference between a feat in parliament for seven years and a seat for life. The prospect of your resentment is too remote; and although the last session of a septennial parliament be usually employed in courting the favour of the people, consider, that at this rate your representatives have fix years for offence, and but one for atonement. A death-bed repentance feldom reaches to restitution. If you reflect, that in the changes of administration which have marked and difgraced the prefent reign, although your warmest patriots have in their turn been invested with the lawful and unlawful authority of the crown, and though other reliefs or improvements have been held forth to the people, yet that no one man in office has ever promoted or encouraged a bill for shortening the duration of parliaments, but that (whoever was minister) the opposition to this meafure, ever fince the septennial act passed, has been constant and uniform on the part of government.-You cannot but conclude, without the possibility of a doubt, that long parliaments are the foundation of the undue influence of the crown. This influence anfwers every purpole of arbitrary power to the crown,

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crown, with an expence and oppression to the people, which would be unnecessary in an arbitrary government. The best of our ministers find it the easiest and most compendious mode of conducting the King's affairs; and all ministers have a general interest in adhering to a fystem, which of itself is sufficient to support them in office, without any affistance from personal virtue, popularity, labour, abilities, or experience. It promises every gratification to avarice and ambition. and fecures impunity. These are truths unquestionable.-If they make no impression. it is because they are too vulgar and notorious. But the inattention or indifference of the nation has continued too long. You are roused at last to a sense of your danger .-The remedy will foon be in your power. If Junius lives, You shall often be reminded of it. If, when the opportunity presents itself, You neglect to do your duty to yourselves and to posterity,-to God and to your country, I shall have one consolation left, in common with the meanest and basest of mankind: -Civil liberty may still last the life of

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PREFA

THE encouragement given to a multitude 1 of spurious, mangled publications of the letters of Junius, persuades me, that a complete edition corrected and improved by the author, will be favourably received. The printer will readily acquit me of any view to my own profit. I undertake this troublesome task, merely to serve a man who has deferved well of me, and of the public; and who, on my account, has been exposed to an expensive, tyrannical prosecution. For these reasons, I give to Mr Henry Sampson Woodfall, and to him alone, my right, interest, and property in these letters, as fully and completely, to all intents and purposes, as an author can possibly convey his property in his own works to another.

This edition contains all the letters of Junius, Philo Junius, and of Sir William Draper and Mr Horne to Junius, with their respective dates, and according to the order in which they appeared in the Public Advertiser. The auxiliary part of Philo Junius was indispensably necessary to defend or explain particular passages in Junius, in answer to plausible objections; but the subordinate character is never guilty of the indecorum of praising his principal. The fraud was innocent, and I always intended to explain it. The notes will be found not only useful, but neces-

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fary. References to facts not generally known, or allusions to the current report or opinion of the day, are in a little time unintelligible. Yet the reader will not find himself overloaded with explanations. I was not born to be a commentator, even upon my own works.

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IT remains to fay a few words upon the liberty of the press. The daring spirit, by which these letters are supposed to be distinguished, seems to require that something serious should be said in their desence. I am no lawyer by profession, nor do I pretend to be more deeply read than every English gentleman should be in the laws of his country. If, therefore, the principles I maintain are truly constitutional, I shall not think myself answered, though I should be convicted of a mistake in terms, or of misapplying the language of the law. I speak to the plain understanding of the people, and appeal to their honest, liberal construction of me.

Good men, to whom alone I address myself, appear to me to confult their piety as little as their judgment and experience, when they admit the great and effential advantages accruing to fociety from the freedom of the prefs, yet indulge themselves in peevish or passionate exclamations against the abuses of it. Betraying an unreasonable expectation of benefits pure and entire from any human institution, they in effect arraign the goodness of Providence, and confess that they are diffatisfied with the common lot of humanity. In the present instance, they really create to their own minds, or greatly exaggerate, the evil they complain of. The laws of England provide as effectually as any human laws can do, for the protection of the subject, in his reputavn.

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tion, as well as in his person and property. If the characters of private men are insulted or injured, a double remedy is open to them, by action and indistment. If, through indolence, salse shame, or indisserence, they will not appeal to the laws of their country, they fail in their duty to society, and are unjust to themselves. If, from an unwarrantable distrust of the integrity of juries, they would wish to obtain justice by any mode of proceeding more summary than a trial by their peers, I do not scruple to affirm, that they are in effect greater enemies to themselves than to the libeller they prosecute.

WITH regard to ftrictures upon the characters of men in office, and the measures of government, the case is a little different. A confiderable latitude must be allowed in the discusfion of public affairs, or the liberty of the prefswill be of no benefit to fociety. As the indulgence of private malice and perfonal flander should be checked and resisted by every legal means, fo a constant examination into the characters and conduct of ministers and magistrates should be equally promoted and encouraged. They, who conceive that our newspapers are no restraint upon bad men, or impediment to the execution of bad measures, know nothing of this country. In that state of abandoned servility and profitution, to which the undue influence of the crown has reduced the other branches of the legislature, our ministers and magistrates have in reality little punishment to fear, and few difficulties to contend with, beyond the censure of the press, and the spirit of resistance which it excites among the people. While this cenforial power is maintained, to speak in the words of a most ingenious foreigner, both minister and magiftrate

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gistrate is compelled, in almost every instance, to choose between his duty and his reputation. A dilemma of this kind perpetually before him, will not indeed work a miracle in his heart, but it will assuredly operate, in some degree, upon his conduct. At all events, these are not times to admit of any relaxation in the little discipline we have left.

Bur it is alleged, that the licentiousness of the press is carried beyond all bounds of decency and truth :- that our excellent ministers are continually exposed to the public hatred or derision: -that, in profecutions for libels on government, juries are partial to the popular fide; -and that, in the most flagrant cases, a verdict cannot be obtained for the King .- If the premifes were admitted, I should deny the conclusion. It is not true, that the temper of the times has in general an undue influence over the conduct of juries. On the contrary, many fignal instances may be produced of verdicts returned for the King, when the inclinations of the people led strongly to an undistinguishing opposition to government. Witness the cases of Mr Wilkes and Mr Almon. In the late profecutions of the printers of my address to a great personage, the juries were never fairly dealt with .- Lord Chief Justice Mansfield, conscious that the paper in question contained no treasonable or libellous matter, and that the severest parts of it, however painful to the King or offensive to his servants, were strictly true, would fain have restricted the jury to the finding of special facts, which, as to guilty or not guilty, were merely indifferent. This particular motive, combined with his general purpose to contract the power of juries, will account for the charge he delivered in Woodfall's trial. sinific

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He told the jury, in fo many words, that they had nothing to determine, except the fact of printing and publishing, and whether or no the blanks or innuendes were properly filled up in the information; but that, whether the defendant had comitted a crime, or not, was no matter of confideration to twelve men, who yet, upon their oaths, were to pronounce their peer guilty, or not guilty. When we hear fuch nonfense delivered from the bench, and find it supported by a laboured train of fophistry, which a plain understanding is unable to follow, and which an unlearned jury, however it may shock their reason, cannot be supposed qualified to refute, can it be wondered that they should return a verdict, perplexed, abfurd, or imperfect? Lord Mansfield has not yet explained to the world, why he accepted of a verdict, which the court afterwards fet afide as illegal; and which, as it took no notice of the innuendos, did not even correspond with his own charge. If he had known his duty, he should have fent the jury back. -I fpeak advifedly, and am well affured that no lawyer of character in Westminster-hall will contradict me. To show the falsehood of Lord Mansfield's doctrine, it is not necessary to enter into the merits of the paper which produced the trial. If every line of it were treason, his charge to the jury would still be false, absurd, illegal, and unconstitutional. If I stated the merits of my letter to the King, I should imitate LORD MANSFIELD, and * TRAVEL OUT OF THE A 3 hours believe

tine dolline laid as wir his onficioli enti-

The following quotation from a speech delivered by Lord Chatham on the eleventh of December 1770, is taken with exactness. The reader will find it curious in itself, and very fit to be inserted here. "My Lords, The verdist given in Woodsall's trial, was "guilty of printing and publishing ONLY; upon which two montions were made in court;—one, in arrest of judgment, by

RECORD. When law and reason speak plainly, we do not want authority to direct our understandings. Yet, for the honour of the profesfion, I am content to oppose one lawyer to another, especially when it happens that the King's Attorney General has virtually disclaimed the doctrine by which the Chief Justice meant to infure fuccess to the profecution. The opinion of the plaintiff's counsel (however it may be otherwise infignificant) is weighty in the scale of the defendant.—My Lord Chief Justice De Grey, who filed the information ex officio, is directly with me. If he had concurred in Lord Mansfield's doctrine, the trial must have been a very short one. The facts were either admitted by Woodfall's counfel, or easily proved to the fatiffaction of the jury. But Mr De Grey, far from thinking he should acquit himself of his duty by

*6 the defendant's counsel, grounded upon the ambiguity of the verdict;—the other, by the counsel for the crown, for a rule " upon the defendant, to show cause, why the verdiet should not be entered up according to the legal import of the words. On both motions, a rule was granted, and foon after the matter " was argued before the court of King's Bench. The noble judge, when he delivered the opinion of the court upon the verdict, went regularly through the whole of the proceedings at Nisi Prius, as well the evidence that had been given, as his " own charge to the jury. This proceeding would have been " very proper, had a motion been made of either side for a new " trial; because either a verdict given contrary to evidence, or an improper charge by the judge at Nisi Prius, is held to be a " fufficient ground for granting a new trial. But when a motion " is made in arrest of judgment, or for establishing the verdict by entering it up according to the legal import of the words, " it must be on the ground of something appearing on the face of "the record; and the court, in considering whether the verdict " shall be established or not, are so confined to the record, that they cannot take notice of any thing that does not appear on " the face of it; in the legal phrase, they cannot travel out of the " record. The noble judge did travel out of the record; and I " affirm that his discourse was irregular, extrajudicial, and unpre-" cedented. His apparent motive for doing what he knew to be wrong, was, that he might have an opportunity of telling the " public extrajudicially, that the other three judges concurred in "the doctrine laid down in his charge."

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barely proving the facts, entered largely, and I confess not without ability, into the demerits of the paper, which he called a feditious libel. He dwelt but lightly upon those points, which (according to Lord Mansfield) were the only matter of consideration to the jury. The criminal intent, the libellous matter, the pernicious tendency of the paper itself, were the topics on which he principally insisted, and of which for more than an hour he tortured his faculties to convince the jury. If he agreed in opinion with Lord Mansfield, his discourse was impertinent, ridiculous, and unreasonable. But, understanding the law as I do, what he said was at least consistent and to the purpose.

IF any honest man should still be inclined to leave the construction of libels to the court, I would intreat him to confider what a dreadful complication of hardships he imposes upon his fellow subjects.—In the first place, the prosecution commences by information of an officer of the crown, not by the regular constitutional mode of indictment before a grand jury.—As the fact is usually admitted, or in general can eafily be proved, the office of the petty jury is nugatory.—The court then judges of the nature and extent of the offence, and determines ad arbitrium the quantum of the punishment, from a small fine to a heavy one, to repeated whipping, to pillory, and unlimited imprisonment. Cutting off ears and noses might still be inflicted by a resolute judge; but I will be candid enough to suppose that penalties, fo apparently shocking to humanity, would not be hazarded in these times.—In all other criminal profecutions, the jury decides upon the fact and the crime in one word; and the court pronounces a certain sentence, which is the sentence

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of the law, not of the judge. If Lord Mansfield's doctrine be received, the jury must either find a verdict of aquittal, contrary to evidence, (which, I can conceive, might be done by very conscientious men, rather than trust a fellow-creature to Lord Mansfield's mercy); or they must leave to the court two offices, never but in this instance united, of finding guilty, and awarding punishment.

Bur, fays this honest Lord Chief Justice, " If " the paper be not criminal, the defendant (tho' " found guilty by his peers) is in no danger, for "he may move the court in arrest of judgment." -True, my good Lord, but who is to determine upon the motion? -Is not the court still to decide, whether judgment shall be entered up or not? and is not the defendant this way as effectually deprived of judgment by his peers, as if he were tried in a court of civil law, or in the chambers of the inquisition? It is you, my Lord, who then try the crime, not the jury. As to the probable effect of the motion in arrest of judgment, I shall only observe, that no reasonable man would be fo eager to posses himself of the invidious power of inflicting punishment, if he were not predetermined to make use of it.

AGAIN:—We are told that judge and jury have a distinct office;—that the jury is to find the fact, and the judge to deliver the law. De jure respondent judices, de facto jurati. The dictum is true, though not in the sense given to it by Lord Manssield. The jury are undoubtedly to determine the fact, that is, whether the defendant did or did not commit the crime charged against him. The judge pronounces the sentence

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annexed by law to that fact so found; and if, in the course of the trial, any question of law arises, both the counsel and the jury must, of necessity, appeal to the judge, and leave it to his decision. An exception, or plea in bar, may be allowed by the court; but, when issue is joined, and the jury have received their charge, it is not possible, in the nature of things, for them to separate the law from the sact, unless they think proper to return a special verdict.

IT has also been alleged, that, although a common jury are sufficient to determine a plain matter of fact, they are not qualified to comprehend the meaning, or to judge of the tendency, of a feditious libel. In answer to this objection, (which, if well founded, would prove nothing as to the firit right of returning a general verdict), I might fafely deny the truth of the affertion. Englishmen of that rank, from which juries are usually taken, are not so illiterate as (to serve a particular purpose) they are now represented. Or, admitting the fact, let a special jury be summoned in all cases of difficulty and importance, and the objection is removed. But the truth is, that if a paper, supposed to be a libel upon government, be so obscurely worded, that twelve common men cannot possibly see the seditious meaning and tendency of it, it is in effect no libel. It cannot inflame the minds of the people, nor alienate their affections from government; for they no more understand what it means, than if it were published in a language unknown to them.

Upon the whole matter it appears, to my understanding, clear beyond a doubt, that if, in any future prosecution for a seditious libel, the jury should bring in a verdict of aquittal not war-

ranted by the evidence, it will be owing to the falle and absurd doctrines laid down by Lord Mansfield. Difgusted at the odious artifices made use of by the Judge to missead and perplex them, guarded against his sophistry, and convinced of the falsehood of his affertions, they may perhaps determine to thwart his detestable purpose, and defeat him at any rate. To him at least they will. do substantial justice. - Whereas, if the whole charge, laid in the information, be fairly and honestly submitted to the jury, there is no reason whatfoever to prefume that twelve men, upon their oaths, will not decide impartially between the King and the defendant. The numerous instances, in our state-trials, of verdicts recovered for the King, fufficiently refute the false and scandalous imputations thrown by the abettors of Lord Mansfield upon the integrity of juries .- But even admitting the supposition, that in times of universal discontent, arising from the notorious maladministration of public affairs, a feditious writer should escape punishment, it makes nothing against my general argument. If juries are fallible, to what other tribunal shall we appeal? -If juries cannot fafely be trusted, shall we unite the offices of judge and jury, fo wifely divided by the constitution, and trust implicitly to Lord Mansfield? - Are the judges of the court of King's Bench more likely to be unbiassed and impartial, than twelve yeomen, burgefles, or gentlemen, taken indifferently from the county at large? -Or, in short, shall there be no decision, until we have instituted a tribunal, from which no possible abuse or inconvenience whatsoever can -arife?-If I am not grofsly mistaken, these questions carry a decifive answer along with them.

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a restraint equally unnecessary and illegal, I return to the use which has been made of it in the present publication.

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NATIONAL reflections, I confess, are not justified in theory, nor upon any general principles. To know how well they are deferved, and how justly they have been applied, we must have the evidence of facts before us. We must be converfant with the Scots in private life, and observe their principles of acting to us, and to each other; -the characteristic prudence, the selfish nationality, the indefatigable fmile, the perfevering affiduity, the everlatting profession of a discreet and moderate resentment .- If the instance were not too important for an experiment, it might not be amiss to confide a little in their integrity .- Without any abstract reasoning upon causes and effects, we shall soon be convinced by experience, that the Scots, transplanted from their own country, are always a diftinct and separate body from the people who receive them. In other fettlements, they only love themselves; -in England, they cordially love themselves, and as cordially hate their neighbours. For the remainder of their good qualities. I must appeal to the reader's observation, unless he will accept of my Lord Barrington's authority. In a letter to the late Lord Melcombe, published by Mr Lee, he expresses himself with a truth and accuracy not very common in his lordfhip's lucubrations .- " And Cockburn, like most of his coun-" trymen, is as abject to those above him, as " he is insolent to those below him."-I am far from meaning to impeach the articles of the union. If the true spirit of those articles were religiously adhered to, we should not see fuch a multitude of Scotch commoners in the lower-house, as representatives of English boroughs, while not a fingle Scotch borough is ever represented by an Englishman. We should not see English peerages given to Scotch ladies, or to the elder sons of Scotch peers, and the number of sixteen doubled and trebled by a scandalous evasion of the act of union.—If it should ever be thought advisable to dissolve an act, the violation or observance of which is invariably directed by the advantage and interest of the Scots, I shall say very sincerely with Sir Edward Coke, * "When "poor England stood alone, and had not the ac-" cess of another kingdom, and yet had more and as potent enemies as it now hath, yet the "King of England prevailed."

Some opinion may now be expected from me, upon a point of equal delicacy to the writer, and hazard to the printer. When the character of the chief magistrate is in question, more must be understood, than may safely be expressed. If it be really a part of our constitution, and not a mere dictum of the law, that the King can do no wrong, it is not the only instance, in the wifest of human institutions, where theory is at variance with practice.—That the fovereign of this country is not amenable to any form of trial known to the laws, is unquestionable. But exemption from punishment is a fingular privilege annexed to the royal caracter, and no way excludes the possibilty of deferving it. How long, and to what extent, a King of England may be protected by the forms, when he violates the spirit of the constitution, deferves to be considered. A mistake in this matter proved fatal to Charles and his fon .- For my own part, far from thinking that the King can do no wrong, far from fuffering myself to be deterred or imposed upon by the language of forms

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^{*} Parliamentary History, V. vii. p. 400.

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in opposition to the substantial evidence of truth, if it were my misfortune to live under the inaufpicious reign of a prince, whose whole life was employed in one bale, contemptible struggle with the free spirit of his people, or in the detestable endeavour to corrupt their moral principles, I would not scruple to declare to him,-" Sir, You " alone are the author of the greatest wrong to " your subjects and to yourself. Instead of reigning in the hearts of your people, instead of " commanding their lives and fortunes thro' the medium of their affections; has not the strength of the crown, whether influence or prerogative, been uniformly exerted, for eleven years to-" gether, to support a narrow, pitiful system of " government, which defeats itself, and answers " no one purpose of real power, profit, or per-" fonal satisfaction to You?-With the greatest " unappropriated revenue of any prince in Eu-" rope, have we not feen You reduced to fuch vile and fordid distresses, as would have con-" ducted any other man to a prison?-With a " great military, and the greatest naval power in " the known world, have not foreign nations re-" peatedly insulted You with impunity?-Is it " not notorious that the vast revenues, extorted " from the labour and industry of your subjects, " and given You to do honour to Yourself and " to the nation, are dissipated in corrupting their " representatives? --- Are You a prince of the " house of Hanover, and do You exclude all the " leading Whig families from your councils?-"Do you profess to govern according to Law; " and is it confistent with that profession, to im-" part your confidence and affection to those " men only, who, though now perhaps detached " from the desperate cause of the Pretender, are 66 marked in this country by an hereditary attachment to high and arbitrary principles of go-

" vernment?-Are you fo infatuated as to take " the sense of your people from the representa-" tion of ministers, or from the shouts of a mob. " notoriously hired to surround your coach, or " stationed at a theatre?-And if You are, in " reality, that public man, that King, that Ma-" gistrate, which these questions suppose You to be, is it any answer to your people, to say, That " among your domestics You are good-humoured; " -that to one lady You are faithful; -that to "your children You are indulgent?-Sir, the man, who addresses You in these terms is your " best friend. He would willingly hazard his " life in defence of your title to the crown; and, " if power be your object, would still show You " how possible it is for a King of England, by the " noblest means, to be the most absolute prince " in Europe. You have no enemies, Sir, but " those who perfuade You to aim at power with-" out right, and who think it flattery to tell You " that the character of King dissolves the natural " relation between guilt and punishment."

I CANNOT conceive that there is a heart fo callous, or an understanding so depraved, as to attend to a discourse of this nature, and not to feel the force of it. But where is the man, among those who have access to the closet, refolute and honest enough to deliver it? The liberty of the press is our only resource. It will command an audience, when every honest man in the kingdom is excluded. This glorious privilege may be a fecurity to the King, as well as a resource to his people. Had there been no star-chamber, there would have been no rebellion against Charles the first. The constant censure and admonition of the press would have corrected his conduct, prevented a civil war, and faved him from an ignominious death.—I am no friend 6

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to the doctrine of precedents exclusive of right; though lawyers often tell us, that whatever has been once done may lawfully be done again.

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I SHALL conclude this preface, with a quotation applicable to the subject from a foreign writer*, whose essay on the English constitution I beg leave to recommend to the public, as a performance deep, solid, and ingenious.

"In fhort, whoever confiders what it is that " constitutes the moving principle of what we call great affairs, and the invincible fensibility " of man to the opinion of his fellow-creatures, " will not hefitate to affirm, that if it were pof-" fible for the liberty of the press to exist in a " despotic government, and (what is not less diffi-" cult) for it to exist without changing the con-" stitution, this liberty of the press would alone " form a counterpoise to the power of the prince. " If, for example, in an empire of the East, a " fanctuary could be found, which, rendered re-" spectable by the ancient religion of the people, a might insure safety to those who should bring " thither their observations of any kind; and that, from thence, printed papers should issue, " which, under a certain feal, might be equally " respected; and which, in their daily appear-" ance, should examine and freely discuss the " conduct of the Cadis, the Bashaws, the Vizir, " the Divan, and the Sultan himfelf; that would " introduce immediately fome degree of liberty."

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^{*} Monsieur de Lolme.

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LETTER L

ADDRESSED TO THE PRINTER OF THE PUB-LIC ADVERTISER.

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THE fubmission of a free people to the execu-I tive authority of government is no more than a compliance with laws, which they themselves have enacted. While the national honour is firmly maintained abroad, and while justice is impartially administered at home, the obedience of the fubject will be voluntary, cheerful, and I might almost say unlimited. A generous nation is grateful even for the preservation of its rights, and willingly extends the respect due to the Office of a good prince into an affection for his Person. Loyalty, in the heart and understanding of an Englishman, is a rational attachment to the guardian of the laws. Prejudices and passion have fometimes carried it to a criminal length; and, whatever foreigners may imagine, we know that Englishmen have erred as much in a mistaken zeal for particular persons and families, as they ever did in defence of what they thought most dear and interesting to themselves.

It naturally fills us with refentment, to fee fuch a temper infulted and abused. In reading the history of a free people, whose rights have

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been invaded, we are interested in their cause. Our own feelings tell us how they ought to have fubmitted, and at what moment it would have been treachery to themselves not to have refisted. How much warmer will be our refentment, if experience should bring the fatal example home to ourfelves!

The fituation of this country is alarming enough to rouse the attention of every man who pretends to a concern for the public welfare. Appearances justify fuspicion; and when the safety of a nation is at stake, suspicion is a just ground of inquiry. Let us enter into it with candour and decency. Respect is due to the station of ministers; and, if a resolution must at last be taken, there is none so likely to be supported with firmness as that which has been adopted with moderation.

The ruin or prosperity of a state depends for much upon the administration of its government, that, to be acquainted with the merit of a miniftry, we need only observe the condition of the people. If we see them obedient to the laws, prosperous in their industry, united at home, and respected abroad, we may reasonably presume that their affairs are conducted by men of experience, abilities, and virtue, If, on the contrary, we fee an universal spirit of distrust and dissatisfaction, a rapid decay of trade, dissensions in all parts of the empire, and a total loss of respect in the eyes of foreign powers, we may pronounce without hefitation, that the government of that country is weak, distracted, and corrupt. The multitude, in all countries, are patient to a certain point. Ill-ufage may rouse their indignation, and hurry them into excesses; but the original fault is in. government. Perhaps there never was an instance of a change, in the circumstances and temper of a whole nation, so sudden and extra-B 3

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ordinary as that which the misconduct of minifters has, within these few years, produced in Great Britain. When our gracious fovereign afcended the throne, we were a flourishing and a contented people. If the personal virtues of a king could have infured the happiness of his subjects, the scene could not have altered so entirely as it has done. The idea of uniting all parties, of trying all characters, and distributing the offices of state by rotation, was gracious and benevolent to an extreme, though it has not yet produced the many falutary effects which were intended by it. To fay nothing of the wisdom of fuch a plan, it undoubtedly arose from an unbounded goodness of heart, in which folly had no share. It was not a capricious partiality to new faces; -it was not a natural turn for low intrigue; -nor was it the treacherous amusement of double and triple negotiations. No, Sir; it arose from a continued anxiety, in the purest of all posfible hearts, for the general welfare. Unfortunately for us, the event has not been answerable to the defign. After a rapid fuccession of changes, we are reduced to that state, which hardly any change can mend. Yet there is no extremity of diffress, which of itself ought to reduce a great nation to despair. It is not the disorder, but the physician; -it is not a casual concurrence of calamitous circumstances; -it is the pernicious hand of government, which alone can make a whole people desperate.

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Without much political fagacity, or any extraordinary depth of observation, we need only mark how the principal departments of the state are bestowed, and look no farther for the true cause

of every mischief that befals us.

† The finances of a nation, finking under its debts

⁺ The Duke of Grafton took the office of Secretary of State, with an engagement to support the Marquis of Rockingham's adminis-

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debts and expences, are committed to a young nobleman already ruined by play. Introduced to act under the auspices of Lord Chatham, and left at the head of affairs by that nobleman's retreat, he became minister by accident; but deferting the principles and professions which gave him a moment's popularity, we fee him, from every honourable engagement to the public, an apostate by defign. As for business, the world yet knows nothing of his talents or resolution; unless a wayward, wavering inconfistency be a mark of genius, and caprice a demonstration of spirit. It may be faid perhaps, that it is his Grace's province, as furely it is his passion, rather to distribute than to fave the public money; and that while Lord North is Chancellor of the Exchequer, the First Lord of the Treasury may be as thoughtless and extravagant as he pleases. I hope, however, he will not rely too much on the fertility of Lord North's genius for finance. His lordship is yet to give us the first proof of his abilities: It may be candid to suppose that he has hitherto voluntarily concealed his talents; intending perhaps to aftonish the world, when we least expect it, with a knowledge of trade, a choice of expedients, and a depth of resources, equal to the necessities, and far beyond the hopes, of his country. must now exert the whole power of his capacity, if he would wish us to forget, that, since he has been in office, no plan has been formed, no system adhered to, nor any one important measure adopted for the relief of public credit. If his plan for the service of the current year be not irrevocably fixed on, let me warn him to think fe-

administration. He resigned however in a little time, under pretence that he could not act without Lord Chatham, nor bear to see Mr Wilkes abandoned; but that under Lord Chatham he would act in any office. This was the signal of Lord Rockingham's dismission. When Lord Chatham came in, the Duke got possession of the Treasury. Reader, mark the consequence!

riously of consequences before he ventures to increase the public debt. Outraged and oppressed as we are, this nation will not bear, after a fix years peace, to fee new millions borrowed, without an eventual diminution of debt, or reduction of interest. The attempt might rouse a spirit of resentment, which might reach beyond the facrifice of a minister. As to the debt upon the civil lift, the people of England expect that it will not be paid without a strict inquiry how it was incurred. If it must be paid by parliament, let me advise the Chancellor of the Exchequer to think of some better expedient than a lottery. To support an expensive war, or in circumstances of absolute necessity, a lottery may perhaps be allowable; but, befides that it is at all times the very worst way of raising money upon the people, I think it ill becomes the Royal dignity to have the debts of a King provided for, like the repairs of a country bridge, or a decayed hospital. The management of the King's affairs in the House of Commons cannot be more difgraced than it has been. * A leading minister repeatedly called down for absolute ignorance; -ridiculous motions ridiculously withdrawn; -deliberate plans disconcerted, and a week's preparation of graceful oratory lost in a moment, give us some though not adequate idea of Lord North's parliamentary abilities and influence. Yet before he had the misfortune of being Chancellor of the Exchequer, he was neither an object of derision to his enemies, nor of melancholy pity to his friends.

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A series of inconsistent measures has alienated the colonies from their duty as subjects, and from their natural affection to their common country. When Mr Grenville was placed at the head of the Treasury, he selt the impossibility of Great Britain's

^{*} This happened frequently to poor Lord North.

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Britain's supporting such an establishment as her former fuccesses had made indispensable, and at the same time of giving any sensible relief to foreign trade, and to the weight of the public debt. He thought it equitable that those parts of the empire, which had benefited most by the expences of the war, should contribute something to the expences of the peace, and he had no doubt of the constitutional right vested in parliament to raise the contribution. But, unfortunately for this country, Mr Grenville was at any rate to be distressed because he was minister, and Mr Pitt * and Lord Camden were to be the patrons of America because they were in opposition. Their declaration gave spirit and argument to the colonies; and while perhaps they meant no more than the ruin of a minister, they in effect divided

one half of the empire from the other.

Under one administration, the stamp-act is made; under the fecond, it is repealed; under the third, in spite of all experience, a new mode of taxing the colonies is invented, and a question revived which ought to have been buried in oblivion. In these circumstances a new office is established for the business of the plantations, and the Earl of Hilfborough called forth, at a most critical feason, to govern America. The choice at least announced to us a man of superior capacity and knowledge. Whether he be fo or not, let his dispatches as far as they have appeared, let his measures as far as they have operated, determine for him. In the former, we have feen strong affertions without proof, declamation without argument, and violent censures without dignity or moderation; but neither correctness in the composition, nor judgment in the design. for his measures, let it be remembered, that he was called upon to conciliate and unite; and that, when he entered into office, the most refractory * Yet Junius has been called the partizan of Lord Chatham! Of

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of the colonies were still disposed to proceed by the constitutional methods of petition and remonstrance. Since that period they have been driven into excesses little short of rebellion. Petitions have been hindered from reaching the throne; and the continuance of one of the principal affemblies refted upon an arbitrary condition *; which, confidering the temper they were in, it was impossible they should comply with, and which would have availed nothing as to the general question if it had been complied with. So violent, and I believe I may call it fo unconstitutional, an exertion of the prerogative, to fay nothing of the weak injudicious terms in which it was conveyed, gives us as humble an opinion of his lordship's capacity as it does of his temper and moderation. While we are at peace with other nations, our military force may perhaps be fpared to support the Earl of Hilfborough's meafures in America. Whenever that force shall be necessarily withdrawn or diminished, the dismisfion of fuch a minister will neither console us for his imprudence, nor remove the fettled refentment of a people, who, complaining of an act of the legislature, are outraged by an unwarrantable ftretch of prerogative, and, supporting their claims by argument, are insulted with declamation.

Drawing lots would be a prudent and reasonable method of appointing the officers of state, compared to a late disposition of the secretary's office. Lord Rochford was acquainted with the affairs and temper of the southern courts: Lord Weymouth was equally qualified for either department †. By what unaccountable caprice has

* That they should retract one of their resolutions, and erase the entry of it.

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[†] It was pretended that the Earl of Rochford, while ambassador in France, had quarrelled with the Duke of Choiseuil; and that therefore he was appointed to the Northern department, out of compliment to the French minister.

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it happened, that the latter, who pretends to no experience whatfoever, is removed to the most important of the two departments, and the former by preference placed in an office where his experience can be of no use to him? Lord Weymouth had distinguished himself in his first employment by a spirited if not judicious conduct. He had animated the civil magistrate beyond the tone of civil authority, and had directed the operations of the army to more than military execution. Recovered from the errors of his youth, from the distraction of play, and the bewitching fmiles of Burgundy, behold him exerting the whole strength of his clear, unclouded faculties, in the service of the crown. It was not the heat of midnight excesses, nor ignorance of the laws, nor the furious spirit of the house of Bedford: No. Sir, when this respectable minister interposed his authority between the magistrate and the people, and figned the mandate, on which, for aught he knew, the lives of thousands depended, he did it from the deliberate motion of his heart supported by the best of his judgment.

It has lately been a fashion to pay a compliment to the bravery and generosity of the commander in chief †, at the expence of his understanding. They who love him least make no question of his courage, while his friends dwell chiefly on the facility of his disposition. Admitting him to be as brave as a total absence of all feeling and reflection can make him, let us see what fort of merit he derives from the remainder of his character. If it be generosity to accumulate in his own person and samily a number of lucrative employments; to provide, at the public expence, for every creature that bears the name of Manners; and, neglecting the merit and services of the rest of the army, to heap promotions

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upon his favourites and dependants; the present commander in chief is the most generous man alive. Nature has been sparing of her gifts to this noble lord; but where birth and fortune are united, we expect the noble pride and independance of a man of spirit, not the servile humiliating complaisance of a courtier. As to the goodness of his heart, if a proof of it be taken from the facility of never refusing, what conclusion shall we draw from the indecency of never performing? And if the discipline of the army be in any degree preserved, what thanks are due to a man, whose cares, notoriously confined to filling up vacancies, have degraded the office of commander in chief into a broker of comissions?

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With respect to the navy, I shall only say, that this country is so highly indebted to Sir Edward Hawke, that no expence should be spared to secure to him an honourable and affluent retreat.

The pure and impartial administration of justice is perhaps the firmest bond to secure a cheerful fubmission of the people, and to engage their affections to government. It is not sufficient that questions of private right or wrong are justly decided, nor that judges are superior to the vileness of pecuniary corruption. Jefferies himself, when the court had no interest, was an upright judge. A court of justice may be subject to another fort of bias more important and pernicious, as it reaches beyond the interest of individuals, and affects the whole community. A judge under the influence of government, may be honest enough in the decision of private causes, yet a traitor to the public. When a victim is marked out by the ministry, this judge will offer himself to perform the facrifice. He will not scruple to prostitute his dignity, and betray the fanctity of his office, whenever an arbitrary point is to be carried

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court to be gratified.

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These principles and proceedings, odious and contemptible as they are, in effect are no less injudicious. A wise and generous people are roused by every appearance of oppressive, unconstitutional measures, whether those measures are supported only by the power of government, or masked under the forms of a court of justice. Prudence and self-preservation will oblige the most moderate dispositions to make common cause, even with a man whose conduct they censure, if they see him persecuted in a way which the real spirit of the laws will not justify. The facts, on which these remarks are sounded, are too notorious to require an application.

This, Sir, is the detail. In one view, behold a nation overwhelmed with debt; her revenues wasted; her trade declining; the affections of her colonies alienated; the duty of the magistrate transferred to the foldiery; a gallant army, which never fought unwillingly but against their fellowsubjects, mouldering away for want of the direction of a man of common abilities and spirit; and in the last instance, the administration of justice become odious and suspected to the whole body of the people. This deplorable scene admits of but one addition—that we are governed by counsels, from which a reasonable man can expect no remedy but poison, no relief but death.

If, by the immediate interpolition of Providence, it were possible for us to escape a crisis so full of terror and despair, posterity will not believe the history of the present times. They will either conclude that our distresses were imaginary, or that we had the good fortune to be governed by men of acknowledged integrity and wisdom: they will not believe it possible that their ancestors could have survived or recovered

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from so desperate a condition, while a Duke of Grafton was Prime Minister, a Lord North Chancellor of the Exchequer, a Weymouth and a Hilsborough Secretaries of State, a Granby Commander in Chief, and Mansfield chief criminal Judge of the kingdom.

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LETTER II.

TO THE PRINTER OF THE PUBLIC AD-

SIR, JAN. 26. 1769.

THE kingdom swarms with such numbers of felonious robbers of private character and virtue, that no honest or good man is fafe; especially as these cowardly base assassins stab in the dark, without having the courage to fign their real names to their malevolent and wicked productions. A writer, who figns himself Junius, in the Public Advertiser of the 21st instant, opens the deplorable fituation of his country in a very affecting manner; with a pompous parade of his candour and decency, he tells us, that we fee diffentions in all parts of the empire, an universal spirit of diftrust and disfatisfaction, and a total loss of respect towards us in the eyes of foreign powers. But this writer, with all his boafted candour, has not told us the real cause of the evils he so pathetically enumerates. I shall take the liberty to explain the cause for him. Junius and such writers as himself occasion all the mischief complained of, by falfely and maliciously traducing the best characters in the kingdom. For when our deluded people at home, and foreigners abroad, read the poisonous and inflammatory libels that are daily published with impunity, to vilify those who are any way distinguished by their

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their good qualities and eminent virtues: when they find no notice taken of, or reply given to, these flanderous tongues and pens, their conclufion is, that both the ministers and the nation have been fairly described; and they act accordingly. I think it therefore the duty of every good citizen to stand forth, and endeavour to undeceive the public, when the vilest arts are made use of to defame and blacken the brightest characters among us. An eminent author affirms it to be almost as criminal to hear a worthy man traduced, without attempting his justification, as to be the author of the calumny against him. For my own part, I think it a fort of mifprision of treason against society. No man, therefore, who knows Lord Granby, can possibly hear fo good and great a character most vilely abused, without a warm and just indignation against this Junius, this high-prieft of envy, malice, and all uncharitableness, who has endeavoured to facrifice our beloved commander in chief at the altars of his horrid deities. Nor is the injury done to his lordship alone, but to the whole nation, which may too foon feel the contempt, and confequently the attacks, of our late enemies, if they can be induced to believe that the person, on whom the fafety of these kingdoms so much depends, is unequal to his high station, and destitute of those qualities which form a good general. One would have thought that his lordship's fervices in the cause of his country, from the battle of Culloden to his most glorious conclusion of the late war, might have entitled him to common respect and decency at least: but this uncandid indecent writer has gone fo far as to turn one of the most amiable men of the age into a flupid, unfeeling, and senseless being; possessed indeed of a personal courage, but void of those C 2

Effential qualities which distinguish the commander from the common soldier.

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A very long, uninterrupted, impartial, I will add, a most disinterested, friendship with Lord Granby, gives me the right to affirm, that all Junius's affertions are false and scandalous. Lord Granby's courage, though of the brightest and most ardent kind, is among the lowest of his numerous good qualities; he was formed to excel in war by nature's liberality to his mind as well as person. Educated and instructed by his most noble father, and a most spirited as well as excellent scholar, the present Bishop of Bangor, he was trained to the nicest sense of honour, and to the truest and noblest fort of pride, that of never doing or fuffering a mean action. A fincere love and attachment to his king and country, and to their glory, first impelled him to the field, where he never gained aught but honour. He impaired, through his bounty, his own fortune: for his bounty, which this writer would in vain depreciate, is founded upon the noblest of the human affections; it flows from a heart melting to goodness from the most refined humanity. Can a man, who is described as unfeeling and void of reflection, be constantly employed in seeking proper objects on whom to exercise those glorious virtues of compassion and generosity? The distressed officer, the foldier, the widow, the orphan, and a long lift besides, know that vanity has no share in his frequent donations; he gives, because he feels their distresses. Nor has he ever been rapacious with one hand, to be bountiful with the other: yet this uncandid Junius would infinuate, that the dignity of the commander in chief is depraved into the base office of commission broker; that is, Lord Granby bargains for the fale of commissions; for it must have this meaning, if it has any at all. But where is the man living who can justly D 3

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justly charge his lordship with such mean practices? Why does not Junius produce him? Junius knows that he has no other means of wounding this hero, than from some missile weapon, shot from an obscure corner: He seeks, as all desamatory writers do,

In Vulgum ambiguas—

to raise a suspicion in the minds of the people. But I hope that my countrymen will be no longer imposed upon by artful and designing men, or by wretches, who, bankrupts in bufiness, in fame, and in fortune, mean nothing more than to involve this country in the same common ruin with themselves. Hence it is, that they are constantly aiming their dark and too often fatal weapons against those who stand forth as the bulwark of our national fafety. Lord Granby was too conspicuous a mark not to be their object. He is next attacked for being unfaithful to his promifes and engagments: Where are Junius's proofs? Although I could give some instances, where a breach of promise would be a virtue, especially in the case of those who would pervert the open, unsuspecting moments of convivial mirth, into fly, infidious applications for preferment or partyfystems, and would endeavour to surprise a good man, who cannot bear to fee any one leave him diffatisfied, into unguarded promises. Lord Granby's attention to his own family and relations is called felfish. Had he not attended to them, when fair and just opportunities presented themfelves, I should have thought him unfeeling, and void of reflection indeed. How are any man's friends or relations to be provided for, but from the influence and protection of the patron? It is unfair to suppose that Lord Granby's friends have not as much merit as the friends of any other oldsa

great man: If he is generous at the public expence, as Junius invidiously calls it, the public is at no more expence for his lordship's friends, than it would be if any other fet of men possessed

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those offices. The charge is ridiculous!

The last charge against Lord Granby is of a most serious and alarming nature indeed. Junius afferts, that the army is mouldering away for want of the direction of a man of common abilities and spirit. The present condition of the army gives the directeft lie to his affertions. It was never upon a more respectable footing with regard to discipline, and all the effentials that can form good foldiers. Lord Ligonier delivered a firm and noble palladium of our fafeties into Lord Granby's hands, who has kept it in the fame good order in which he received it. The ftrictest care has been taken to fill up the vacant commissions, with such gentlemen as have the glory of their ancestors to support, as well as their own, and are doubly bound to the cause of their king and country, from motives of private property, as well as public spirit. The adjutantgeneral, who has the immediate care of the troops after Lord Granby, is an officer that would do great honour to any service in Europe, for his correct arragements, good fense and discernment upon all occasions, and for a puctuality and precision which give the most entire satisfaction to all who are obliged to confult him. The reviewing generals, who inspect the army twice a-year, have been selected with the greatest care, and have answered the important trust reposed in them in the most laudable manner. Their reports of the condition of the army are much more to be credited than those of Junius, whom I do advise to atone, for his shameful aspersions, by asking pardon of Lord Granby and the whole kingdom, whom he has offended by his abomi-

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nable scandals. In short, to turn Junius's own battery against him, I must affert, in his own words, "that has given strong affertions without proof, declamation without argument, and violent censures without dignity or moderation."

WILLIAM DRAPER.

PROPERTY OF LETTER III.

TO SIR WILLIAM DRAPER, KNIGHT OF

SIR. FFB. 7. 1769. YOUR defence of Lord Granby does honour to the goodness of your heart. You feel, as you ought to do, for the reputation of your friend, and you express yourself in the warmest language of your passions. In any other cause, I doubt not, you would have cautiously weighed the confequences of committing your name to the licentious discourses and malignant opinions of the world. But here, I presume, you thought it would be a breach of friendship to lose one moment in consulting your understanding; as if an appeal to the public were no more than a military coup de main, where a brave man has no rules to follow but the dictates of his courage. Touched with your generofity, I freely forgive the excesses into which it has led you; and, far from refenting those terms of reproach, which, considering that you are an advocate for decorum, you have heaped upon me rather too liberally, I place them to the account of an honest unreflecting indignation, in which your cooler judgment and natural politeness had no concern. I approve of the spirit with which you have given your name to the public; and, if it were a proof of any thing but spirit, I should have thought myself bound to follow your example. I should have hoped that even

my name might have carried some authority with it, if I had not seen how very little weight or consideration a printed paper receives even from the respectable signature of Sir William Draper.

You begin with a general affertion, that writers, fuch as I am, are the real cause of all the public evils we complain of. And do you really think, Sir William, that the licentious pen of a political writer is able to produce fuch important effects? A little calm reflection might have shown you, that national calamities do not arise from the description, but from the real character and conduct, of ministers. 'To have supported' your affertion, you should have proved that the present ministry are unquestionably the best and brightest characters of the kingdom; and that, if the affections of the colonies have been alienated, if Corfica has been shamefully abandoned, if commerce languishes, if public credit is threatened with a new debt, and your own Manilla ranfom most dishonourably given up, it has all been owing to the malice of political writers, who will not suffer the best and brightest characters (meaning still the present ministry) to take a single right step for the honour or interest of the nation. But it feems you were a little tender of coming to particulars. Your conscience infinuated to you, that it would be prudent to leave the characters of Grafton, North, Hilfborough, Weymouth, and Mansfield, to shift for themselves; and truely, Sir William, the part you have undertaken is at least as much as you are equal to.

Without disputing Lord Granby's courage, we are yet to learn in what articles of military knowledge nature has been so very liberal to his mind. If you have served with him, you ought to have pointed out some instances of able disposition and well-concerted enterprize, which might fairly be attributed to his capacity as a general. It is you,

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Sir William, who make your friend appear aukward and ridiculous, by giving him a laced fuit of tawdry qualifications, which nature never intended him to wear.

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Sir

You say, he has acquired nothing but honour in the field. Is the Ordinance nothing? Are the Blues nothing? Is the command of the army, with all the patronage annexed to it, nothing? Where he got these nothings, I know not; but you at least ought to have told us where he deserved them.

As to his bounty, compassion, &c. it would have been but little to the purpose, though you had proved all that you have afferted. I meddle with nothing but his character as commander in chief; and, though Lacquit him of the baseness of felling commissions, I still affert that his military cares have never extended beyond the dispofal of vacancies; and I am justified by the complaints of the whole army, when I fay, that in this distribution he confults nothing but parliamentary interest, or the gratification of his immediate dependants. As to his servile submisfion to the reigning ministry, let me ask, whether he did not defert the cause of the whole army when he fuffered Sir Jeffery Amherst to be facrificed, and what share he had in recalling that officer to the service? Did he not betray the just interest of the army, in permitting Lord Percy to have a regiment? And does he not at this moment give up all character and dignity as a gentleman, in receding from his own repeated declarations in favour of Mr Wilkes?

In the two next articles I think we are agreed. You candidly admit, that he often makes such promises as it is a virtue in him to violate, and that no man is more assiduous to provide for his relations at the public expence. I did not urge the last as an absolute vice in his disposition,

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but to prove that a careless disinterested spirit is no part of his character; and as to the other, I defire it may be remembered, that I never descended to the indecency of inquiring into his convivial hours. It is you, Sir William Draper, who have taken care to represent your friend in the character of a drunken landlord, who deals out his promises as liberally as his liquor, and will suffer no man to leave his table either sorrowful or sober. None but an intimate friend, who must frequently have seen him in these unhappy, disgraceful moments, could have described him so well.

The last charge, of the neglect of the army, is indeed the most material of all. I am forry to tell you, Sir William, that, in this article, your first fact is false; and as there is nothing more painful to me than to give a direct contradiction to a gentleman of your appearance, I could wish that, in your future publications, you would pay: a greater attention to the truth of your premises, before you fuffer your genius to hurry you to a conclusion. Lord Ligonier did not deliver the army (which you, in classical language, are pleased to call a palladium) into Lord Granby's hands. It was taken from him much against his inclination, some two or three years before Lord Granby was commander in chief. As to the state of the army, I should be glad to know where you have received your intelligence. Was it in the rooms at Bath, or at your retreat at Clifton? The reports of reviewing generals comprehend only a few regiments in England, which, as they are immediately under the royal inspection, are perhaps in some tolerable order. But do you know any thing of the troops in the West-Indies, the Mediterranean, and North America, to fay nothing of a whole army absolutely ruined in Ireland? Inquire a little into facts, Sir William,

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before you publish your next panegyric upon Lord Granby; and believe me, you will find there is a fault at head-quarters, which even the acknowledged care and abilities of the adjutant-general cannot correct.

Permit me now, Sir William, to adress myself personally to you, by way of thanks for the honour of your correspondence. You are by no means undeferving of notice; and it may be of consequence even to Lord Granby to have it determined, whether or no the man, who has praised him fo lavishly, be himself deferving of praise. When you returned to Europe, you zealously undertook the cause of that gallant army, by whose bravery at Manilla your own fortune had been established. You complained, you threatened, you even appealed to the public in print. By what accident did it happen, that in the midst of all this buftle, and all these clamours for justice to your injured troops, the name of the Manilla ranfom was fuddenly buried in a profound, and, fince that time, an uninterrupted filence? Did the ministry suggest any motives to you, strong enough to tempt a man of honour to defert and betray the cause of his fellow-soldiers? Was it that blushing riband, which is now the perpetual ornament of your person? Or was it that regiment, which you afterwards (a thing unprecedented among foldiers) fold to colonel Gifborne? Or was it that government, the full pay of which you are contented to hold, with the half-pay of an Irish colonel? And do you now, after a retreat not very like that of Scipio, prefume to intrude yourself, unthought-of, uncalled-for, upon the patience of the public? Are your flatteries of the commander in chief directed to another regiment, which you may again dispose of on the same honourable terms? We know your prudence, Sir William,

William, and I should be forry to stop your preferment. but they war were

JUNIUS.

LETTER IV.

TO JUNIUS.

I received Junius's favour last night: he is de-SIR. termined to keep his advantage by the help of his mask; it is an excellent protection, it has faved many a man from an untimely end. But whenever he will be honest enough to lay it afide, avow himself, and produce the face which has fo long lurked behind it, the world will be able to judge of his motives for writing such infamous invectives. His real name will discover his freedom and independency, or his fervility to a faction. Disappointed ambition, resentment for defeated hopes, and defire of revenge, assume but too often the appearance of public spirit; but be his defigns wicked or charitable, Junius should learn, that it is possible to condemn measures, without a barbarous and criminal outrage against men. Junius delights to mangle carcafes with a hatchet; his language and instrument have a great connexion with Clare-Market, and, to do him justice, he handles his weapon most admirably. One would imagine he had been taught to throw it by the favages of America. It is therefore high time for me to step in once more to shield my friend from this merciless weapon, although I may be wounded in the attempt. But I must first ask Junius, by what forced analogy and construction the moments of convivial mirth are made to fignify indecency, a violation of engagements, a drunken landlord, and a defire that every one in company should be drunk likewise?

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He must have culled all the slowers of St Giles's and Billingsgate to have produced such a piece of oratory. Here the hatchet descends with tenfold vengeance; but, alas! it hurts no one but its master! For Junius most not think to put words into my mouth, that seem too soul even for his own.

My friend's political engagements I know not; fo cannot pretend to explain them, or affert their confistency. I know not whether Junius be confiderable enough to belong to any party; if he should be so, can he affirm that he has always adhered to one set of men and measures? Is he sure that he has never sided with those whom he was first hired to abuse? Has he never abused those he was hired to praise? To say the truth, most mens politics sit much too loosely about them. But as my friend's military character was the chief object that engaged me in this contro-

verfy, to that I shall return.

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Junius asks what instances my friend has given of his military skill and capacity as a general? When and where he gained his honour? When he deserved his emoluments? The united voice of the army which ferved under him, the glorious testimony of prince Ferdinand, and of vanquished enemies, all Germany will tell him. Junius repeats the complaints of the army against parliamentary influence. I love the army too well, not to wish that such influence were less. Let Junius point out the time when it has not prevailed. It was of the least force in the time of that great man, the late duke of Cumberland, who, as a prince of the blood, was able as well as willing to ftem a torrent which would have overborne any private subject. In time of war this influence is small. In peace, when discontent and faction have the furest means to operate, especially in this country, and when from a

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fcarcity of public spirit the wheels of government are rarely moved but by the power and force of obligations, its weight is always too great. Yet, if this influence at present has done no greater harm than the placing Earl Percy at the head of a regiment, I do not think that either the rights or best interests of the army are facrificed and betrayed, or the nation undone. Let me alk Junius, if he knows any one nobleman in the army, who has had a regiment by feniority? I feel myself happy in seeing young noblemen of illustrious name and great property come among us. They are an additional fecurity to the kingdom from foreign or domestic slavery. Junius needs not be told, that should the time ever come, when this nation is to be defended only by those who have nothing more to lofe than their arms and their pay, its danger will be great indeed. A happy mixture of men of quality with foldiers of fortune is always to be wished for. But the main point is still to be contended for, I mean the discipline and condition of the army; and I must still maintain, though contradicted by Junius, that it was never upon a more respectable footing, as to all the effentials that can form good foldiers, than it is at present. Junius is forced to allow, that our army at home may be in some tolerable order; yet how kindly does he invite our late enemies to the invalion of Ireland, by affuring them that the army in that kingdom is totally ruined! (The colonels of that army are much obliged to him.) I have too great an opinion of the military talents of the lord lieutenant, and of all their diligence and capacity, to believe it. If from fome strange, unaccountable fatality, the people of that kingdom cannot be induced to confult their own fecurity by fuch an effectual augmentation as may enable the troops there to act with power and energy, is the commander in

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chief here to blame? Or is he to blame, because the troops in the Mediterranean, in the West-Indies, in America, labour under great dissipations from the scarcity of men, which is but too visible all over these kingdoms? Many of our forces are in climates unfavourable to British constitutions: their loss is in proportion. Britain must recruit all these regiments from her own emaciated bosom, or, more precariously, by Catholics from Ireland. We are likewise subject to the satal drains to the East-Indies, to Senegal, and the alarming emigrations of our people to other countries: Such depopulation can only be repaired by a long peace, or by some sensible bill of naturalization.

I must now take the liberty to talk to Junius on my own account. He is pleased to tell me that he addresses himself to me personally; I shall be glad to see him. It is his impersonality that I complain of, and his invisible attacks; for his dagger in the air is only to be regarded because one cannot see the hand which holds it; but had it not wounded other people more deeply than myself, I should not have obtruded myself at all

on the patience of the public.

Mark how a plain tale shall put him down, and transsuse the blush of my riband into his own cheeks. Junius tells me, that at my return, I zealously undertook the cause of the gallant army by whose bravery at Manilla my own fortunes were established; that I complained, that I even appealed to the public. I did so; I glory in having done so, as I had an undoubted right to vindicate my own character attacked by a Spanish memorial, and to affert the rights of my brave companions. I glory likewise, that I have never taken up my pen, but to vindicate the injured. Junius asks by what accident did it happen, that in the midst of all this bustle, and all the clamours D 2

for justice to the injured troops, the Manilla ranfom was fuddenly buried in a profound, and, fince that time, an uninterrupted filence? I will explain the cause to the public. The several ministers who have been employed fince that time have been very desirous to do justice from two most laudable motives, a strong inclination to assist injured bravery, and to acquire a well deferved popularity to themselves. Their efforts have been in vain. Some were ingenuous enough to own; that they could not think of involving this distressed nation into another war for our private concerns. In short, our rights for the present are facrificed to national convenience; and I must confess, that although I may lose five-and-twenty thousand pounds by their acquiescence to this breach of faith in the Spaniards, I think they are in the right to temporize, considering the critical fituation of this country, convulfed in every part by poison insufed by anonymous, wicked, and incendiary writers. Lord Shelburne will do me the justice to own, that, in September last, I waited upon him with a joint memorial from the admiral Sir S. Cornish and myself, in behalf of our injured companions. His lordship was as frank upon the occasion as other secretaries had been before him. He did not deceive us by giving any immediate hopes of relief.

Junius would basely infinuate, that my silence may have been purchased by my government, by my blusbing riband, by my regiment, by the sale of that regiment, and by half-pay as an Irish co-

lonel.

His Majesty was pleased to give me my government, for my service at Madrass. I had my first regiment in 1757. Upon my return from Manilla, his Majesty, by Lord Egremont, informed me that I should have the first vacant red riband,

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as a reward for many services in an enterprize which I had planned as well as executed. The Duke of Bedford and Mr. Grenville confirmed those assurances many months before the Spaniards had protested the ransom bills. To accommodate Lord Clive, then going upon a most important fervice to Bengal, I waved my claim to the vacancy which then happened. As there was no other vacancy until the Duke of Grafton and. Lord Rockingham were joint ministers, I was then honoured with the order: and it is furely no small honour to me, that in such a succession of ministers, they were all pleased to think that I had deserved it; in my favour they were all united. Upon the reduction of the 79th regiment, which had ferved so gloriously in the East-Indies, his Majesty, unsolicited by me, gave me the 16th of foot as an equivalent. My motives for retiring afterwards are foreign to the purpole; let it suffice, that his Majesty was pleased to approve of them; they are fuch as no man can think indecent, who knows the shocks that repeated viciflitudes of heat and cold, of dangerous and fickly climates, will give to the best constitutions in a pretty long course of service. I resigned my regiment to colonel Gisborne, a very good officer, for his half-pay, 200 l. Irish annuity; so that, according to Junius, I have been bribed to fay nothing more of the Manilla ranfom, and facrifice those brave men, by the strange avarice of accepting three hundred and eighty pounds per ann. and giving up eight hundred! If this be bribery, it is not the bribery of these times. As to my flattery, those who know me will judge of it. By the asperity of Junius's style, I cannot indeed call him a flatterer, unless he be as a cynick, or a mastiff; if he wags his tail, he will still growl, and long to bite. The public will now judge of the credit that ought to be given to Junius's D.3

writings, from the falsities that he has infinuated with respect to myself.

WILLIAM DRAPER.

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LETTER V.

TO SIR WILLIAM DRAPER, KNIGHT OF THE BATH.

SIR. FEB. 21. 1769. I should justly be suspected of acting upon motives of more than common enmity to Lord Granby, if I continued to give you fresh materials or occasion for writing in his defence. Individuals who hate, and the public who despise, have read your letters, Sir William, with infinitely more fatisfaction than mine. Unfortunately for him, his reputation, like that unhappy country to which you refer me for his last military atchievements, has fuffered more by his friends than his enemies. In mercy to him, let us drop the fubject. For my own part, I willingly leave it to the public to determine whether your vindication of your friend has been as able and judicious, as it was certainly well intended; and you, I think, may be fatisfied with the warm acknowledgments he already owes you for making him the principal figure in a piece, in which, but for your amicable assistance, he might have passed without particular notice or distinction.

In justice to your friends, let your future labours be confined to the care of your own reputation. Your declaration, that you are happy in feeing young noblemen come among us, is liable to two objections. With respect to Lord Percy, it means nothing, for he was already in the army. He was aid-de-camp to the King, and had the rank of colonel. A regiment therefore could not make him a more military man, though it made

him

him richer, and probably at the expence of some brave, deferving, friendless officer .- The other concerns yourfelf.—After felling the companions of your victory in one instance, and after felling your profession in the other, by what authority do you presume to call yourself a soldier? The plain evidence of facts is superior to all declarations. Before you were appointed to the 16th regiment, your complaints were a diftress to government;-from that moment you were filent. The conclusion is inevitable. You infinuate to us that your ill state of health obliged you to quit the service. The retirement necessary to repair a broken constitution would have been as good a reason for not accepting, as for refigning, the command of a regiment. There is certainly an error of the prefs, or an affected obscurity in that paragraph, where you speak of your bargain with colonel Gisborne. Instead of attempting to anfwer what I do not really understand, permit me to explain to the public what I really know. Inexchange for your regiment, you accepted of a colonel's half-pay (at least 220 l. a year) and an annuity of 2001. for your own and lady Draper's life jointly. --- And is this the lofing bargain, which you would represent to us, as if you had given up an income of 8001. a-year for 3801.? Was it decent, was it honourable, in a man who pretends to love the army, and calls himself a foldier, to make a traffic of the royal favour, and turn the highest honour of an active profession into a fordid provision for himself and his family? It were unworthy of me to press you farther. The contempt with which the whole army heard of the manner of your retreat, affures me, that as your conduct was not justified by precedent, it will never be thought an example for imitation.

THE last and most important question remains. When you receive your half pay, do you, or do

you not, take a folemn oath, or fign a declaration upon your honour, to the following effect? That you do not actually hold any place of profit, civil or military, under his Majesty. The charge which the question plainly conveys against you, is of so shocking a complexion, that I fincerely wish you may be able to answer it well, not merely for the colour of your reputation, but for your own peace of mind. IUNIUS.

LETTER VI.

TO JUNIUS.

SIR, FEB. 27. 1760. HAVE a very short answer for Junius's important question: I do not either take an oath, or declare upon honour, that I have no place of profit, civil or military, when I receive the half-pay as an Irish colonel. My most gracious Sovereign gives it me as a pension; he was pleased to think I deserved it. The annuity of 200 l. Irish, and the equivalent for the halfpay, together, produce no more than 380 l. per annum, clear of fees and perquifites of office. I receive 1671. from my government of Yarmouth. Total 547 l. per annum. My conscience is much at ease in these particulars; my friends need not blush for me.

Junius makes much and frequent use of interrogations: they are arms that may be easily turned against himself. I could, by malicious interrogation, disturb the peace of the most virtuous man in the kingdom. I could take the decalogue, and fay to one man, Did you never steal? To the next, Did you never commit murder? And to Junius himself, who is putting my life and conduct to the rack, Did you never bear false witness against thy neighbour. Junius must

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easily see, that unless he affirms to the contrary in his real name, some people who may be as ignorant of him as I am, will be apt to suspect him of having deviated a little from the truth: therefore let Junius ask no more questions. You bite against a file: cease, viper. W. D.

LETTER VII.

TO SIR WILLIAM DRAPER, KNIGHT OF THE BATH.

SIR. MARCH 3. 1769. N academical education has given you an unlimited command over the most beautiful figures of speech. Masks, hatchets, racks, and vipers, dance through your letters in all the mazes of metaphorical confusion. These are the gloomy companions of a diffurbed imagination; the melancholy madness of poetry, without the inspiration. I will not contend with you in point of composition. You are a scholar, Sir William; and, if I am truely informed, you write Latin with almost as much purity as English. Suffer me then, for I am a plain unlettered man, to continue that stile of interrogation, which suits my capacity, and to which, confidering the readiness of your answers, you ought to have no objection. Even * Mr. Bingly promises to answer, if put to the torture.

Do you then really think, that, if I were to ask a most virtuous man whether he ever committed thest, or murder, it would disturb his peace of mind? Such a question might perhaps discompose the gravity of his muscles, but I believe it would little affect the tranquillity of his conscience.

^{*} This man, being committed by the court of King's Bench for a contempt, voluntarily made oath, that he would never anfwer interrogatories, unless he should be put to the torture.

ence. Examine your own breast, Sir William, and you will discover, that reproaches and inquiries have no power to afflict either the man of unblemished integrity, or the abandoned profligate. It is the middle compound character which alone is vulnerable; the man, who, without firmness enough to avoid a dishonourable action, has feeling enough to be ashamed of it.

I thank you for the hint of the decalogue, and shall take an opportunity of applying it to some of your most virtuous friends in both houses of parliament.

You feem to have dropped the affair of your regiment; so let it rest. When you are appointed to another, I dare say you will not sell it either for a gross sum, or for an annuity upon lives.

I am truly glad (for really, Sir William, I am not your enemy, nor did I begin this contest with you) that you have been able to clear yourfelf of a crime, though at the expence of the highest indifcretion. You fay that your half-pay was given you by way of pension. I will not dwell upon the fingularity of uniting in your own person two forts of provision, which in their own nature, and in all military and parliamentary views, are incompatible; but I call upon you to justify that declaration, wherein you charge your Sovereign with having done an act in your favour notorioully against law. The half-pay, both in Ireland and England, is appropriated by parliament; and if it be given to persons who, like you, are legally incapable of holding it, it is a breach of law. It would have been more decent in you to have called this dishonourable transaction by its true name; a job to accommodate two persons, by particular interest and management at the castle. What sense must government have had of your fervices, when the rewards they have given you are only a difgrace to you!

And now, Sir William, I shall take my leave

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of you for ever. Motives very different from any apprehension of your resentment, make it impossible you should ever know me. In truth, you have some reason to hold yourself indebted to me. From the lessons I have given you, you may collect a prositable instruction for your suture life. They will either teach you so to regulate your conduct, as to be able to set the most malicious inquiries at desiance; or, if that be a lost hope, they will teach you prudence enough not to attract the public attention to a character, which will only pass without censure, when it passes without observation.

1 U N I U S.

It has been faid, I believe truly, that it was fignified to Sir William Draper, as the request of Lord Granby, that he should desist from writing in his Lordships defence. Sir William Draper certainly drew Junius forward to say more of Lord Granby's character than he originally intended. He was reduced to the dilemma of either being totally filenced, or of supporting his first letter. Whether Sir William had a right to reduce him to this dilemma, or to call upon him for his name, after a voluntary attack on his side, are queftions submitted to the candor of the public .- The death of Lord Granby was lamented by Junius. He undoubtedly owed fome compensations to the public, and seemed determined to acquit himself of them. In private life, he was unquestionably that good man, who, for the interest of his country, ought to have been a great one. Bonum virum facile dixeris; -magnum libenter. I speak of him now without partiality: - I never spoke of him with resentment, His mistakes, in public conduct, did not arise either from want of sentiment, or want of judgment, but in general from the difficulty of of faying NO to the bad people who furrounded him.

As for the rest, the friends of Lord Granby should remember, that he himself thought proper to condemn, retract, and disavow, by a most solemn declaration in the house of Commons, that very system of political conduct which Junius had held forth to the disapprobation of the public.

LETTER VIII.

TO THE DUKE OF GRAFTON.

MY LORD,

BEFORE you were placed at the head of affairs, it had been a maxim of the English government, not unwillingly admitted by the people, that

that every ungracious or severe exertion of the prerogative should be placed to the account of the Minister; but that, whenever an act of grace or benevolence was to be performed, the whole merit of it should be attributed to the Sovereign himfelf *. It was a wise doctrine, my Lord, and equally advantageous to the King and his fubjects; for while it preserved that suspicious attention, with which the people ought always to examine the conduct of ministers, it tended at the fame time rather to increase than diminish their attachment to the person of their Sovereign. there be not a fatality attending every measure you are concerned in, by what treachery, or by what excess of folly, has it happened, that those ungracious acts which have diftinguished your administration, and which I doubt not were entirely your own, should carry with them a strong appearance of personal interest, and even of personal enmity, in a quarter where no fuch interest or enmity can be supposed to exist without the highest injustice and the highest dishonour? On the other hand, by what injudicious management have you contrived it, that the only act of mercy, to which you have ever advised your Sovereign, far from adding to the lustre of a character truly gracious and benevolent, should be received with univerfal disapprobation and disgust? I shall consider it as a ministerial measure, because it is an odious one; and as your meafure, my Lord Duke, because you are the minister.

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As long as the trial of this chairman was depending, it was natural enough that government should give him every possible encouragement and support. The honourable service for which he was hired, and the spirit with which he performed it, made a common cause between your Grace and him.

Les rois ne se sont reservé que les graces. Ils renvoient les condamnations vers leurs officiers. Montesquieu.

him. The minister, who by secret corruption invades the freedom of elections, and the ruffian. who by open violence destroys that freedom, are embarked in the same bottom. They have the same interests, and mutually feel for each other. To do justice to your Grace's humanity, you felt for M'Quirk as you ought to do; and if you had been contented to affift him indirectly, without a notorious denial of justice, or openly infulting the sense of the nation, you might have satisfied every duty of political friendship, without commuting the honour of your Sovereign, or hazarding the reputation of his government. But when this unhappy man had been folemnly tried, convicted, and condemned; -when it appeared that he had been frequently employed in the fame fervices, and that no excuse for him could be drawn either from the innocence of his former life, or the simplicity of his character; was it not hazarding too much to interpose the strength of the prerogative between this felon and the justice of his country *? You ought to have known that an ex-

ample Brention Whitehall, March 11, 1769. His Majesty has been graciously pleased to extend his royal mercy to Edward M'Quirk, found guilty of the murder of George Clarke, as appears by his royal warrant to the tenor following. him the fold Edward Onk

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We brawled box WHEREAS a doubt had arisen in Our Royal breast concerning the evidence of the death of George Clarke, from the representations of William Broomfield, Efq; furgeon, and Solomon Starling, apothecary; both of whom, as has been represented to Us, attended the deceased before his death, and expressed their opinions that he did not die of the blow he received at Brentford: And whereas it appears to Us, that neither of the faid persons were produced as witnesses upon the trial, though the faid Solomon Starling had been examined before the Coroner; and the only person called to prove that the death of the faid George Clarke was occasioned by the faid blow, was John Foot, Surgeon, who never faw the deceased till after his death: We thought fit thereupon to refer the faid representations, together with the report of the Recorder of Our city of London, of the evidence given by Richard and William Beale, and the faid John Foot, on the trial of Edward Quirk, otherwise called Edward Kirk, otherwise called Edward M'Quirk, for the murder of the faid Clarke, to the master, wardens, and the rest of the court

ample of this fort was never to necessary as at prefent; and certainly you must have known that the lot could not have fallen upon a more guilty object. What system of government is this? You are perpetually complaining of the riotous dispofition of the lower class of people; yet when the laws have given you the means of making an example, in every fense unexceptionable, and by far the most likely to awe the multitude, you pardon the offence, and are not ashamed to give the fanction of government to the riots you complain of, and even to future murders. You are partial perhaps to the military mode of execution; and had rather fee a score of these wretches butchered by the guards, than one of them fuffer death by regular course of law. How does it happen, my Lord, no excuse the him could be drawin

row the innocence of his termer life, or of examiners of the Surgeons company, commanding them likewife to take fuch further examination of the faid persons so representing, and of faid John Foot, as they might think necessary, together with the premisses abovementioned, to form and report to Us their opinion, "Whether it did or did not appear to them, that the faid George Clarke died in consequence of the blow he received in the I riot at Brentford on the 8th of December last." And the faid court of examiners of the Surgeons company having thereupon reported to Us their opinion, " That it did not appear to them that "he did !" We have thought proper to extend Our royal mercy to him the faid Edward Quirk, otherwife Edward Kirk, otherwife called Edward M'Quirk, and to grant him Our free pardon for the murder of the faid George Clarke, of which he has been found guilty. Our will and pleasure therefore is, That he the faid Edward Quirk, otherwise called Kirk, otherwise called Edward M'Quirk, he inferted, for the faid murder, in Our first and next general pardon that shall come out for the poor convicts of Newgate, without any condition whatsoever; and that in the mean time you take bail for his appearance, in order to plead Our faid pardon. And for fo doing this shall be your warrant.

Given at Our court at St. James's the 10th day of March 1769,

in the ninth year of Our reign.
By his Majesty's command,

ROCHFORD.

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To Our trufty and well beloved James
Eyre, Efq; Recorder of Our city of
London, the Sheriffs of Our faid city
and county of Middlefex, and all
others whom it may concern.

that, in your hands, even the mercy of the preroz gative is cruelty and oppression to the subject?

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The measure, it seems, was so extraordinary, that you thought it necessary to give some reasons for it to the public. Let them be fairly examined.

1. You say that Messes Bromsield and Starling were not examined at M'Quirk's trial. I will tell your Grace why they were not. They must have been examined upon oath; and it was foreseen, that their evidence would either not benefit, or might be prejudicial to, the prisoner. Otherwise, is it conceivable that his counsel should neglect to call in such material evidence?

You say that Mr Foot did not see the deceased until after his death. A surgeon, my Lord, must know very little of his profession, if, upon examining a wound or a contusion, he cannot determine whether it was mortal or not.—While the party is alive, a surgeon will be cautious of pronouncing; whereas by the death of the patient, he is enabled to consider both cause and effect in one view, and to speak with a certainty confirmed by experience.

Yet we are to thank your Grace for the establishment of a new tribunal. Your inquisitio post mortem is unknown to the laws of England, and does honour to your invention. The only material objection to it is, that if Mr Foot's evidence was insufficient, because he did not examine the wound till after the death of the party, much less can a negative opinion, given by gentlemen who never saw the body of Mr Clarke, either before or after his decease, authorise you to superfede the verdict of a jury, and the sentence of the law.

Now, my Lord, let me ask you, Has it never occurred to your Grace, while you were withdrawing this desperate wretch from that justice which the laws had awarded, and which the whole

people of England demanded against him, that there is another man, who is the favourite of his country, whose pardon would have been accepted with gratitude, whose pardon would have healed all our divisions? Have you quite forgotten that this man was once your Grace's friend? Or is it to murderers only that you will extend the mercy of the crown?

These are questions you will not answer, nor is it necessary. The character of your private life, and the tenour of your public conduct, is an answer to them all.

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LETTER IX.

TO HIS GRACE THE DUKE OF GRAFTON.

Mr Lord, ton in lattort asv. APRIL 10. 1769. HAVE to good an opinion of your Grace's difcernment, that when the author of the vindication of your conduct affures us, that he writes from his own mere motion, without the least authority from your Grace, I should be ready enough to believe him but for one fatal mark, which feems to be fixed upon every measure in which either your personal or your political character is concerned .- Your first attempt to support Sir William Proctor ended in the election of Mr Wilkes; the fecond ensured success to Mr Glynn. The extraordinary step you took to make Sir James Lowther lord paramount of Cumberland, has ruined his interest in that county for ever. The House Lift of Directors was cursed with the concurrence of government; and even the miserable * Dingley could not escape the misfortune

This unfortunate person had been persuaded by the Duke of Grafton to set up for Middlesex, his Grace being determined to seat him in the House of Commons if he had but a single vote. It happened unluckily that he could not prevail upon any one freeholder to put him in nomination.

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fortune of your Grace's protection. With this uniform experience before us, we are authorifed to suspect, that when a pretended vindication of your principles and conduct in reality contains the bitterest resections upon both, it could not have been written without your immediate direction and affiftance. The author indeed calls God to witness for him, with all the fincerity and in the very terms of an Irish evidence, to the best of his knowledge and belief. My Lord, you should not encourage these appeals to heaven. The pious Prince from whom you are supposed to defcend, made fuch frequent use of them in his public declarations, that at last the people also found it necessary to appeal to heaven in their Your administration has driven us into circumstances of equal distress :- beware at least how you remind us of the remedy. But the But

You have already much to answer for You have provoked this unhappy gentleman to play the fool once more in public life, in spite of his years and infirmities; and to show us, that, as you yourfelf are a fingular instance of youth without spirit, the man who defends you is a no lefs remarkable example of age without the benefits of experience. To follow fuch a writer minutely would, like his own periods, be a labour without end. The fubject too has been already discussed, and is sufficiently understood. I cannot help observing, however, that, when the pardon of McQuirk. was the principal charge against you, it would have been but a decent compliment to your Grace's understanding, to have defended you upon: your own principles. What credit does a man deferve, who tells us plainly, that the facts fet forth in the King's proclamation were not the: true motives on which the pardon was granted; and that he wishes that those chirurgical reports. which first gave occasion to certain doubts in the

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You see, my Lord, that even your friends cannot defend your actions, without changing your principles; nor justify a deliberate measure of government, without contradicting the main affertion on which it was founded.

The conviction of McQuirk had reduced you to a dilemma, in which it was hardly possible for you to reconcile your political interest with your duty. You were obliged either to abandon an active useful partisan, or to protect a felon from public justice. With your usual spirit, you preferred your interest to every other consideration; and with your usual judgment, you founded your determination upon the only motives which should

not have been given to the public.

1 have frequently cenfured Mr Wilkes's conduct, yet your advocate reproaches me with having devoted myself to the service of sedition. Your Grace can best inform us, for which of Mr Wilkes's good qualities you first honoured him with your friendship, or how long it was before you discovered those bad ones in him at which, it feems, your delicacy was offended. Remember, my Lord, that you continued your connection with Mr Wilkes long after he had been convicted of those crimes which you have fince taken pains to represent in the blackest colours of blasphemy and treason. How unlucky is it that the first instance you have given us of a scrupulous regard to decorum is united with the breach of a moral obligation! For my own part, my Lord, I am proud to affirm, that, if I had been weak enough to form such a friendship, I would never have been base enough to betray it. But, let Mr Wilkes's character be what it may, this at least is certain, that, circumstanced as he is with regard to the public, even his vices plead for him. The people of England have too much discernment -

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nnt ment to fuffer your Grace to take advantage of the failings of a private character, to establish a precedent by which the public liberty is affected, and which you may hereafter, with equal eafe and fatisfaction, employ to the ruin of the best men in the kingdom. -- Content yourfelf, my Lord, with the many advantages which the unfullied purity of your own character has given you over your unhappy deserted friend. Avail yourfelf of all the unforgiving piety of the court you live in, and bless God that you "are not as "other men are; extortioners, unjust, adulterers, " or even as this publican." In a heart void of feeling, the laws of honour and good faith may be violated with impunity, and there you may fafely indulge your genius. But the laws of England shall not be violated, even by your holy zeal to oppress a finner; and though you have succeeded in making him a tool, you shall not make him the victim of your ambition. JUNIUS.

LETTER X.

TO MR EDWARD WESTON.

I SAID you were an old man without the benefit of experience. It feems you are also a volunteer with the stipend of twenty commissions; and, at a period when all prospects are at an end, you are still looking forward to rewards which you cannot enjoy. No man is better acquainted with the bounty of government than you are.

Temeraire vieillard, aura sa recompense.

But I will not descend to an altercation either with the impotence of your age, or the peevishness of your diseases. Your pamphlet, ingenious

as it is, has been so little read, that the public cannot know how far you have a right to give me the lie, without the following citation of your own words.

Page 6— 1. That he is perfuaded that the motives, which he (Mr Weston) has alleged, must appear fully sufficient, with or without

the opinions of the furgeons.

6 2. That those very motives MUST HAVE

Rochford thought proper, &c.

• 3. That he CANNOT BUT REGRET that the Earl of Rochford feems to have thought proper

to lay the chirurgical reports before the king, in preference to all the other sufficient mo-

tives,' &c.

Let the public determine whether this be defending government on their principles or your own.

The style and language you have adopted are, I consess, not ill suited to the elegance of your own manners, or to the dignity of the cause you have undertaken. Every common dauber writes rascal and villain under his pictures, because the pictures themselves have neither character nor resemblance. But the works of a master require no index. His features and colouring are taken from nature. The impression they make is immediate and uniform; nor is it possible to mistake his characters, whether they represent the treachery of a minister, or the abused simplicity of a king.

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LETTER XI.

TO HIS GRACE THE DUKE OF GRAFTON.

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My Lord, APRIL 24. 1769. THE fystem you seemed to have adopted, when Lord Chatham unexpectedly left you at the head of affairs, gave us no promife of that uncommon exertion of vigour, which has fince illustrated your character and distinguished your administration. Far from discovering a spirit bold enough to invade the first rights of the people and the first principles of the constitution, you were scrupulous of exercifing even those powers with which the executive branch of the legislature is legally invested. We have not yet forgotten how long Mr Wilkes was fuffered to appear at large, nor how long he was at liberty to canvass for the city and county, with all the terrors of an outlawry hanging over him. Our Gracious Sovereign has not yet forgotten the extraordinary care you took of his dignity and of the fafety of his person, when, at a crisis which courtiers affected to call alarming, you left the metropolis exposed for two nights together, to every species of riot and disorder. The fecurity of the Royal residence from insult was then sufficiently provided for in Mr Conway's firmness, and Lord Weymouth's discretion; while the prime minister of Great Britain, in a rural retirement, and in the arms of faded beauty, had lost all memory of his Sovereign, his country, and himself. In these instances you might have acted with vigour, for you would have had the fanction of the laws to support you. The friends of government might have defended you without shame; and moderate men, who wish well to the peace and good order of society, might have had a pretence for applauding your conduct. But these, it seems, were not occafions

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fions worthy of your Grace's interpolition. You referved the proofs of your intrepid spirit for trials of greater hazard and importance; and now, as if the most disgraceful relaxation of the executive authority had given you a claim of credit to indulge in excesses still more dangerous, you seem determined to compensate amply for your former negligence, and to balance the non-execution of the laws with a breach of the constitution. From one extreme you suddenly fart to the other, without leaving, between the weakness and the fury of the passions, one moment's interval for the firmness of the understanding.

These observations, general as they are, might eafily be extended into a faithful history of your Grace's administration, and perhaps may be the employment of a future hour. But the business of the present moment will not fusfer me to look back to a feries of events, which cease to be interesting or important, because they are succeeded by a measure so singularly daring, that it excites all our attention and engrosses all our refentment.

Your patronage of Mr Luttrell has been crowned with success. With this precedent before you, with the principles on which it was established, and with a future house of commons, perhaps less virtuous than the present, every county in England, under the auspices of the treasury, may be represented as completely as the county of Middle-Posterity will be indebted to your Grace for not contenting yourfelf with a temporary expedient, but entailing upon them the immediate blessings of your administration. Boroughs were already too much at the mercy of government. Counties could neither be purchased nor intimidated. But their folemn determined election may be rejected, and the man they detest may be appointed, by another choice, to represent them in parliament. Yet it is admitted, that the Sheriffs obeyed the

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the laws and performed their duty *. The return they made must have been legal and valid, or undoubtedly they would have been censured for making it. With every good-natured allowance for your Grace's youth and inexperience, there are fome things which you cannot but know. You cannot but know that the right of the freeholders to adhere to their choice (even supposing it improperly exerted) was as clear and indisputable as that of the house of commons to exclude one of their own members?-Nor is it possible for you not to fee the wide distance there is between the negative power of rejecting one man, and the pofitive power of appointing another. The right of expulsion, in the most favourable sense, is no more than the custom of parliament. The right of election is the very effence of the constitution. To violate that right, and much more to transfer it to any other fet of men, is a step leading immediately to the diffolution of all government. So far forth as it operates, it constitutes a house of commons which does not represent the people. A house of commons so formed would involve a contradiction and the groffest confusion of ideas; but there are some ministers, my Lord, whose views can only be answered by reconciling absurdities, and making the same proposition, which is false and abfurd in argument, true in fact.

This measure, my Lord, is however attended with one consequence favourable to the people, which I am persuaded you did not foresee +. While the contest lay between the ministry and Mr Wilkes, his situation and private character gave you advantages over him, which common candour, if not the memory of your former friendship, should have forbidden you to make use of.

[•] Sir Fletcher Norton, when it was proposed to punish the sheriffs, declared in the house of commons that they, in returning Mr Wilkes, had done no more than their duty.

[†] The reader is defired to mark this prophecy.

To religious men, you had an opportunity of exaggerating the irregularities of his past life; -to moderate men, you held forth the pernicious confequences of faction. Men, who with this character looked no farther than to the object before them, were not diffatisfied at feeing Mr Wilkes excluded from parliament. You have now taken care to shift the question; or, rather, you have created a new one, in which Mr Wilkes is no more concerned than any other English gentleman. You have united this country against you on one grand constitutional point, on the decision of which our existence, as a free people, absolutely depends. You have afferted, not in words but in fact, that the representation in parliament does not depend upon the choice of the freeholders. If fuch a cafe can possiby happen once, it may happen frequently; it may happen always: - and if three hundred votes, by any mode of reasoning whatsoever, can prevail against twelve hundred, the same reasoning would equally have given Mr Luttrell his feat with ten votes, or even with one. The confequences of this attack upon the constitution are too plain and palpable not to alarm the dullest apprehension. I trust you will find, that the people of England are neither deficient in spirit nor understanding, though you have treated them as if they had neither fense to feel, nor spirit to refent. We have reason to thank God and our ancestors, that there never yet was a minister in this country, who could stand the iffue of such a conflict; and with every prejudice in favour of your intentions, I fee no fuch abilities in your Grace, as should entitle you to succeed in an enterprize, in which the ablest and basest of your predecessors have found their destruction. You may continue to deceive your gracious mafter with false representations of the temper and condition of his subjects. You may command a venal vote, because it is the common esta-

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established appendage of your office. But never hope that the freeholders will make a tame surrender of their rights, or that an English army will join with you in overturning the liberties of their country. They know that their first duty, as citizens, is paramount to all subsequent engagements; nor will they prefer the discipline or even the honours of their profession to those facred original rights, which belonged to them before they were soldiers, and which they claim and possess as the birth-right of Englishmen.

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Return, my Lord, before it be too late, to that easy insipid system which you first set out with. Take back your mistress; *—the name of friend may be fatal to her, for it leads to treachery and persecution. Indulge the people. Attend Newmarket. Mr Luttrell may again vacate his seat; and Mr Wilkes, if not persecuted, will soon be forgotten. To be weak and inactive, is safer than to be daring and criminal; and wide is the distance between a riot of the populace and a convulsion of the whole kingdom. You may live to make the experiment, but no honest man can wish you should survive it.

LETTER XII.

TO HIS GRACE THE DUKE OF GRAFTON.

My Lord,

May 30. 1679.

If the measures in which you have been most successful, had been supported by any tolerable appearance of argument, I should have thought my time not ill employed, in continuing to examine your conduct as a minister, and stating it fairly to the public. But when I see questions of the highest

* The Duke, about this time, had separated himself from Ann Parsons; but proposed to continue united with her, on some platonic terms of friendship, which she rejected with contempt. His baseness to this woman is beyond description or belief.

highest national importance carried as they have been, and the first principles of the constitution openly violated, without argument or decency, I confess I give up the cause in despair. The meanest of your predecessors had abilities sufficient to give a colour to their measures. If they invaded the rights of the people, they did not dare to offer a direct infult to their understanding; and, in former times, the most venal parliaments made it a condition, in their bargain with the minister, that he should furnish them with some plausible pretences for selling their country and themselves. You have had the merit of introducing a more compendious fystem of government and logic. You neither address yourfelf to the passions, nor to the understanding, but fimply to the touch. You apply yourself immediately to the feelings of your friends; who, contrary to the forms of parliament, never enter heartily into a debate, until they have divided.

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Relinquishing, therefore, all idle views of amendment to your Grace, or of benefit to the public, let me be permitted to consider your character and conduct merely as a subject of curious speculation. -There is fomething in both, which diffinguishes you not only from all other ministers, but all other men; it is not that you do wrong by defign, but that you should never do right by mistake. It is not that your indolence and your activity have been equally misapplied; but that the first uniform principle, or if I may call it the genius of your life, should have carried you through every possible change and contradiction of conduct, without the momentary imputation or colour of a virtue; and that the wildest spirit of inconsistency should never once have betrayed you into a wife or honourable action. This, I own, gives an air of fingularity to your fortune, as well as to your disposition. Let us look back together to a scene in which a mind like yours will find nothing to repent of. Let us try, my

my Lord, how well you have supported the various relations in which you stood, to your sovereign, your country, your friends, and yourself. Give us, if it be possible, some excuse to posterity, and to ourselves, for submitting to your administration. If not the abilities of a great minister, if not the integrity of a patriot, or the sidelity of a friend, show us at least the sirmness of a man.—For the sake of your mistress, the lover shall be spared. I will not lead her into public, as you have done, nor will I insult the memory of departed beauty. Her fex, which alone made her amiable in your eyes,

makes her respectable in mine.

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The character of the reputed ancestors of some men, has made it possible for their descendants to be vicious in the extreme, without being degene-Those of your Grace, for instance, left no distressing examples of virtue, even to their legitimate posterity; and you may look back with pleafure to an illustrious pedigree, in which heraldry has not left a fingle good quality upon record to infult or upbraid you. You have better proofs of your descent, my Lord, than the register of a marriage, or any troublesome inheritance of reputation. There are some hereditary strokes of character, by which a family may be as clearly diftinguished as by the blackest features of the human face. Charles the First lived and died a hypocrite. Charles the Second was a hypocrite of another fort, and should have died upon the same scaffold. At the distance of a century, we see their different characters happily revived and blended in your Grace. Sullen and fevere without religion, profligate without gaiety, you live like Charles the Second, without being an amiable companion; and, for aught I know, may die as his father did, without the reputation of a martyr.

You had already taken your degrees with credit in those schools in which the English nobility are

formed to virtue, when you were introduced to Lord Chatham's protection *. From Newmarket, White's, and the opposition, he gave you to the world with an air of popularity, which young men usually set out with, and seldom preserve:grave and plaufible enough to be thought fit for bufiness; too young for treachery; and, in short, a patriot of no unpromising expectations. Lord Chatham was the earliest object of your political wonder and attachment; yet you deserted him, upon the first hopes that offered of an equal share of power with Lord Rockingham. When the Duke of Cumberland's first negotiation failed, and when the favourite was pushed to the last extremity, you faved him, by joining with an administration in which Lord Chatham had refused to engage. Still, however, he was your friend: and you are yet to explain to the world, why you confented to act without him; or why, after uniting with Lord Rockingham, you deferted and betrayed him. You complained that no measures were taken to fatisfy your patron; and that your friend Mr Wilkes, who had fuffered fo much for the party, had been abandoned to his fate. They have fince contributed, not a little, to your prefent plenitude of power: yet, I think, Lord Chatham has less reason than ever to be satisfied; and as for Mr Wilkes, it is, perhaps, the greatest misfortune of his life, that you should have so many compensations to make in the closet for your former friendship with him. Your gracious master understands your character; and makes you a persecutor, because you have been a friend.

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Lord Chatham formed his last administration upon principles which you certainly concurred in, or you could never have been placed at the head of the treasury. By deserting those principles, and

^{*} To understand these passages, the reader is referred to a noted pamphlet, called, The history of the minority.

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by acting in direct contradiction to them, in which he found you were fecretly supported in the closet, you foon forced him to leave you to yourfelf, and to withdraw his name from an administration which had been formed on the credit of You had then a prospect of friendships better fuited to your genius, and more likely to fix your disposition. Marriage is the point on which every rake is stationary at last: and truly, my Lord, you may well be weaty of the circuit you have taken; for you have now fairly travelled through every fign in the political zodiac, from the Scorpion, in which you stung Lord Chatham, to the hopes of a Virgin + in the house of Bloomsbury. One would think that you had had fufficient experience of the frailty of nuptial engagements, or, at least, that fuch a friendship as the Duke of Bedford's might have been fecured to you by the auspicious marriage of your late Duchess with t his nephew. But ties of this tender nature cannot be drawn too close; and it may possibly be a part of the Duke of Bedford's ambition, after making her an honest woman, to work a miracle of the same sort upon your Grace. This worthy Nobleman has long dealt in virtue. There has been a large confumption of it in his own family; and, in the way of traffic, I dare fay, he has bought and fold more than half the representative integrity of the na-

In a political view, this union is not imprudent. The favour of princes is a perishable commodity. You have now a strength sufficient to command the closet; and if it be necessary to betray one friendship more, you may set even Lord Bute at desiance. Mr Stewart Mackenzie may possibly remember what use the Duke of Bedford usually

[†] His Grace had lately married Miss Wrottesley, niece of the Good' Gertrude, Dutchess of Bedford.

[†] Miss Liddel, after her divorce from the Duke, married Lord

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makes of his power; and our gracious Sovereign, I doubt not, rejoices at this first appearance of union among his fervants. His late Majesty, under the happy influence of a family connexion between his ministers, was relieved from the cares of the government. A more active prince may perhaps observe, with suspicion, by what degrees an artful servant grows upon his master, from the first unlimited professions of duty and attachment, to the painful representation of the necessity of the royal fervice, and foon, in regular progression, to the humble infolence of dictating in all the obsequious forms of peremptory submission. The interval is carefully employed in forming connexions, creating interests, collecting a party, and laying the foundation of double marriages; untill the deluded prince, who thought he had found a creature profittuted to his fervice, and infignificant enough to be always dependent upon his pleafure, finds him at last too strong to be commanded, and too formidable to be removed.

Your Grace's public conduct, as a minister, is but the counter part of your private history;—the fame inconfiftency, the fame contradictions. In America we trace you, from the first opposition to the Stamp Act, on principles of convenience, to Mr Pitt's furrender of the right; then forward to Lord Rockingham's furrender of the fact; then back again to Lord Rockingham's declaration of the right; then forward to taxation with Mr Townshend; and in the last instance, from the gentle Conway's undetermined discretion, to blood and compulsion with the Duke of Bedford: Yet, if we may believe the simplicity of Lord North's eloquence, at the opening of next fessions you are once more to be the patron of America. Is this the wisdom of a great minister? or is it the ominous vibration of a pendulum? Had you no opinion of your own, my Lord? or was it

the gratification of betraying every party with which you have been united, and of deserting every political principle in which you had concurred?

Your enemies may turn their eyes without regret from this admirable system of provincial government. They will find gratification enough in the furvey of your domestic and foreign policy.

If, instead of disowning Lord Shelburne, the British court had interposed with dignity and firmness, you know, my Lord, that Corfica would never have been invaded. The French faw the weakness of a distracted ministry, and were justified in treating you with contempt. They would probably have yielded in the first instance, rather than hazard a rupture with this country; but, being once engaged, they cannot retreat, without dishonour. Common sense forsees consequences, which have escaped your Grace's penetration. Either we suffer the French to make an acquisition, the importance of which you have probably no conception of; or we oppose them by an underhand management, which only difgraces us in the eyes of Europe, without answering any purpose of policy or prudence. From fecret, indirect affiftance, a transition to some more open decisive measures becomes unavoidable; till at last we find ourselves principal in the war, and are obliged to hazard every thing for an object which might have originally been obtained without expence or danger. I am not verfed in the politics of the north; but this I believe is certain, that half the money you have distributed to carry the expulsion of Mr Wilkes, or even your secretary's share in the last subscription, would have kept the Turks at your devotion. Was it œconomy, my Lord? or did the coy refistance you have constantly met with in the British senate, make you despair of corrupting the Divan? Your friends indeed have

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the first claim upon your bounty; but if five hundred pounds a-year can be spared in pension to Sir John Moore, it would not have disgraced you to have allowed something to the secret service of

the public.

You will fay perhaps, that the fituation of affairs at home demanded and engroffed the whole of your attention. Here, I confess, you have been active. An amiable, accomplished prince ascends the throne under the happiest of all auspices, the acclamations and united affections of his subjects. The first measures of his reign, and even the odium of a favourite, were not able to shake their attachment. Your services, my Lord, have been more fuccessful. Since you were permitted to take the lead, we have feen the natural effects of a system of government at once both odious and contemptible. We have feen the laws fometimes scandaloufly relaxed, fometimes violently stretched bewond their tone. We have feen the person of the Sovereign insulted; and in profound peace, and with an undisputed title, the fidelity of his subjects brought by his own fervants into public question *. Without abilities, resolution, or interest, you have done more than Lord Bute could accomplish with all Scotland at his heels.

Your Grace, little anxious perhaps either for present or suture reputation, will not desire to be handed down in these colours to posterity. You have reason to flatter yourself that the memory of your administration will survive even the forms of a constitution, which our ancestors vainly hoped would be immortal; and as for your personal character, I will not, for the honour of human nature, suppose that you can wish to have it remembered. The condition of the present times is desperate in-

The wife Duke, about this time, exerted all the influence of government to procure addresses to satisfy the King of the sidelity of his subjects. They came in very thick from Scotland; but, after the appearance of this letter, we heard no more of them.

deed: but there is a debt due to those who come after us; and it is the historian's office to punish, though he cannot correct. I do not give you to posterity as a pattern to imitate, but as an example to deter; and as your conduct comprehends every thing that a wise or honest minister should avoid, I mean to make you a negative instruction to your successors for ever.

JUNIUS.

LETTER XIII.

ADDRESSED TO THE PRINTER OF THE PUBLIC ADVERTISER.

THE Duke of Grafton's friends, not finding it convenient to enter into a contest with Junius, are now reduced to the last melancholy resource of deseated argument, the slat general charge of scurrility and salsehood. As for his style, I shall leave it to the critics. The truth of his sacts is of more importance to the public. They are of such a nature, that I think a bare contradiction will have no weight with any man who judges for himself. Let us take them in the order in which they appear in his last letter.

the first principles of the constitution, been openly invaded, and the very name of an election made ridiculous, by the arbitrary appointment of Mr

Luttrell?

2. Did not the Duke of Grafton frequently lead his mistress into public, and even place her at the head of his table, as if he had pulled down an ancient temple of Venus, and could bury all decency and shame under the ruins?—Is this the man who dares to talk of Mr Wilkes's morals?

3. Is not the character of his prefumptive an-

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cestors as strongly marked in him, as if he had descended from them in a direct legitimate line? The idea of his death is only prophetic; and what is prophecy but a narrative preceding the fact!

4. Was not Lord Chatham the first who raised him to the rank and post of a minister, and the

first whom he abandoned?

5. Did he not join with Lord Rockingham, and betray him?

6. Was he not the bosom friend of Mr Wilkes,

whom he now pursues to destruction?

7. Did he not take his degrees with credit at

Newmarket, White's, and the opposition?

8. After deferting Lord Chatham's principles, and facrificing his friendship, is he not now closely united with a set of men, who, tho' they have occasionally joined with all parties, have in every different situation, and at all times, been equally

and constantly detested by this country?

o. Has not Sir John Moore a pension of five hundred pounds a year?—This may probably be an acquittance of favours upon the turf; but is it possible for a minister to offer a grosser outrage to a nation, which has so very lately cleared away the beggary of the civil list at the expense of more than half a million?

vith respect to America, which the Duke of Grafton has not successively adopted and abandoned?

upon this man, who has so little delicacy and feeling as to submit to the opprobrium of marrying a near relation of one who had debauched his wife?

—In the name of decency, how are these amiable cousins to meet at their uncle's table?—It will be a scene in Oedipus, without the distress.—Is it wealth, or wit, or beauty—or is the amorous youth in love?

The rest is notorious. That Corsica has been facri-

facrificed to the French: that in some instances the laws have been scandalously relaxed, and in others daringly violated; and that the King's subjects have been called upon to assure him of their sidelity, in spite of the measures of his servants.

A writer, who builds his arguments upon facts fuch as these, is not easily to be consuted. He is not to be answered by general affertions, or general reproaches. He may want eloquence to amuse and persuade; but, speaking truth, he must always convince.

PHILO JUNIUS.

LETTER XIV.

ADDRESSED TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, JUNE 22. 1769. THE name of Old Noll is destined to be the ruin of the house of Stuart. There is an ominous fatality in it, which even the spurious defcendants of the family cannot escape. Oliver Cromwell had the merit of conducting Charles the First to the block. Your correspondent OLD NOLL appears to have the same design upon the Duke of Grafton. His arguments confift better with the title he has affumed, than with the principles he professes; for though he pretends to be an advocate for the Duke, he takes care to give us the best reasons why his patron should regularly follow the fate of his prefumptive ancestor .-Through the whole course of the Duke of Grafton's life, I see a strange endeavour to unite contradictions, which cannot be reconciled. He marries. to be divorced; he keeps a mistress, to remind him of conjugal endearments; and he chooses such friends, as it is virtue in him to defert. If it were possible for the genius of that accomplished president, who pronounced fentence upon Charles the

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First, to be revived in some modern sycophant*, his Grace, I doubt not, would by sympathy discover him among the dregs of mankind, and take him for a guide in those paths which naturally conduct a minister to the scaffold.

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The affertion that two-thirds of the nation approve of the acceptance of Mr Luttrell (for even Old Noll is too modest to call it an election) can neither be maintained nor confuted by argument. It is a point of fact, on which every English gentleman will determine for himself. As to lawyers, their profession is supported by the indiscriminate defence of right and wrong; and I confess I have not that opinion of their knowledge or integrity, to think it necessary that they should decide for me upon a plain constitutional question. respect to the appointment of Mr Luttrell, the chancellor has never yet given any authentic opinion. Sir Fletcher Norton is indeed an honest, a very honest man; and the Attorney General is ex officio the guardian of liberty, to take care, I prefume, that it shall never break out into a criminal excess. Doctor Blackstone is Solicitor to the Queen. The Doctor recollected that he had a place to preferve, though he forgot that he had a reputation to lofe. We have now the good fortune to understand the Doctor's principles, as well as writings. For the defence of truth, of law, and reason, the Doctor's book may be safely consulted; but whoever wishes to cheat a neighbour of his estate, or to rob a country of its rights, need make no scruple of consulting the Doctor himself.

The example of the English nobility may, for aught I know, sufficiently justify the Duke of Grafton, when he indulges his genius in all the fashionable excesses of the age; yet, considering his rank and station, I think it would do him more

[•] It is hardly necessary to remind the reader of the name of Brad-

honour to be able to deny the fact, than to defend it by fuch authority. But if vice itself could be excused, there is yet a certain display of it, a certian outrage to decency, and violation of public decorum, which, for the benefit of fociety, should never be forgiven. It is not that he kept a mistress at home, but that he constantly attended her abroad.—It is not the private indulgence, but the public infult, of which I complain. The name of Miss Parsons would hardly have been known, if the First Lord of the Treasury had not led her in triumph through the Opera House, even in the presence of the Queen. When we see a man act in this manner, we may admit the shameless depravity of his heart, but what are we to think of his understanding?

His Grace, it feems, is now to be a regular domestic man; and as an omen of the suture delicacy and correctness of his conduct, he marries a first cousin of the man who had fixed that mark and title of infamy upon him, which, at the same moment, makes a husband unhappy and ridiculous. The ties of consanguinity may possibly preserve him from the same sate a second time; and as to the distress of meeting, I take for granted the venerable uncle of these common cousins has settled the etiquette in such a manner, that, if a mistake should happen, it may reach no farther than from

Madame ma femme to Madame ma cousine.

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The Duke of Grafton has always some excellent reason for deserting his friends—The age and incapacity of Lord Chatham—the debility of Lord Rockingham—or the infamy of Mr Wilkes. There was a time, indeed, when he did not appear to be quite so well acquainted, or so violently offended, with the infirmities of his friends. But now I confess they are not ill exchanged for the youthful, vigorous virtue of the Duke of Bedford;—the firmness of General Conway;—the blunt,

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or if I may call it the aukward, integrity of Mr Rigby;—and the spotless morality of Lord Sandwich.

If a late pension to a * broken gambler be an act worthy of commendation, the Duke of Grafton's connexions will furnish him with many opportunities of doing praise-worthy actions; and as he himself bears no part of the expence, the generosity of distributing the public money for the support of virtuous families in distress will be an unquestion-

able proof of his Grace's humanity.

As to the public affairs, Old Noll is a little tender of descending to particulars. He does not deny that Corfica has been facrificed to France; and he confesses, that, with regard to America, his patron's measures have been subject to some variation: but then he promifes wonders of stability and firmness for the future. These are mysteries, of which we must not pretend to judge by experience; and truly, I fear we shall perish in the Defart, before we arrive at the Land of Promise. In the regular course of things, the period of the Duke of Grafton's ministerial manhood should now be approaching. The imbecillity of his infant-state was committed to Lord Chatham. Charles Townshend took some care of his education at that ambiguous age, which lies between the follies of political childhood, and the vices of puberty. The empire of the passions soon succeeded. His earliest principles and connexions were of course forgotten or despised. The company he has lately kept has been of no service to his morals; and, in the conduct of public affairs, we fee the character of his time of life strongly distinguished. And obstinate ungovernable self-sufficiency plainly points out to us that state of imperfect maturity, at which the graceful levity of youth is loft, and the folidity of experience not yet acquired. It is possible

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^{*} Sir John Moore.

possible the young man may in time grow wiser, and reform; but, if I understand his disposition, it is not of such corrigible stuff, that we should hope for any amendment in him, before he has accomplished the destruction of this country. Like other rakes, he may perhaps live to see his error, but not until he has ruined his estate.

PHILO JUNIUS.

LETTER XV.

TO HIS GRACE THE DUKE OF GRAFTON.

My Lord. TULY 8. 1760. TF nature had given you an understanding qualified to keep pace with the wishes and principles of your heart, the would have made you, perhaps, the most formidable minister that ever was employed, under a limited monarch, to accomplish the ruin of a free people. When neither the feelings of shame, the reproaches of conscience, nor the dread of punishment, form any bar to the defigns of a minister, the people would have too much reason to lament their condition, if they did not find some resource in the weakness of his understanding. We owe it to the bounty of providence, that the completest depravity of the heart is sometimes strangely united with a confusion of the mind, which counteracts the most favourite principles, and makes the fame man treacherous without art, and a hypocrite without deceiving. The measures, for instance, in which your Grace's activity has been chiefly exerted, as they were adopted without skill, should have been conducted with more than common dexterity. But truly, my Lord, the execution has been as gross as the design. By one decifive step, you have defeated all the arts of writing. You have fairly confounded the intrigues of opposition, and silenced the clamours of faction. G 2

A dark, ambiguous system might require and furnish the materials of ingenious illustration; and in doubtful measures, the virulent exaggeration of party must be employed, to rouse and engage the passions of the people. You have now brought the merits of your administration to an issue, on which every Englishman, of the narrowest capacity, may determine for himself. It is not an alarm to the passions, but a calm appeal to the judgment of the people, upon their own most essential interests. A more experienced minister would not have hazarded a direct invalion of the first principles of the constitution, before he had made some progress in subduing the spirit of the people. With fuch a cause as your's, my Lord, it is not fufficient that you have the court at your devotion, unless you can find means to corrupt or intimidate the jury. The collective body of the people form that jury, and from their decision there is but one appeal.

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Whether you have talents to support you, at a crifis of fuch difficulty and danger, should long fince have been confidered. Judging truly of your disposition, you have perhaps mistaken the extent of your capacity. Good-faith and folly have fo long been received as fynonimous terms, that the reverse proposition has grown into credit, and every villain fancies himself a man of abilities. It is the apprehension of your friends, my Lord, that you have drawn some hasty conclusion of this fort, and that a partial reliance upon your moral character has betrayed you beyond the depth of your understanding. You have now carried things too far to retreat. You have plainly declared to the people what they are to expect from the continuance of your administration. It is time for your Grace to confider what you also may expect in return from

their spirit and their resentment.

Since the accession of our most gracious Sove reign

reign to the throne, we have feen a system of government which may well be called a reign of experiments. Parties of all denominations have been employed and dismissed. The advice of the ablest men in this country has been repeatedly called for and rejected; and when the Royal displeasure has been fignified to a minister, the marks of it have usually been proportioned to his abilities and integrity. The spirit of the FAVOURITE had some apparent influence upon every administration; and every fet of ministers preserved an appearance of duration, as long as they submitted to that influence. But there were certain services to be performed for the favourite's fecurity, or to gratify his refentments, which your predecessors in office had the wisdom or the virtue not to undertake. The moment this refractory spirit was discovered, their diffrace was determined. Lord Chatham, Mr Grenville, and Lord Rockingham, have fucceffively had the honour to be dismissed for preferring their duty, as fervants of the public, to those compliances which were expected from their station. A fubmissive administration was at last gradually collected from the deferters of all parties, interests. and connexions: and nothing remained but to find a leader for these gallant well-diciplined troops. Stand forth, my Lord, for thou art the man. Lord Bute found no resource of dependence or security in the proud imposing superiority of Lord Chatham's abilities, the shrewd inflexible judgement of Mr Grenville, nor in the mild but determined integrity of Lord Rockingham. His views and fituation required a creature void of all these properties; and he was forced to go-through every division, resolution, composition, and refinement of political chemistry, before he happily arrived at the caput mortuum of vitriol in your Grace. Flat and infipid in your retired state, but brought into action you become vitriol again. Such are the ex-G 3 tremes

tremes of alternate indolence or fury which have governed your whole admistration. Your circumstances with regard to the people soon becoming desperate, like other honest servants you determined to involve the best of masters in the same difficulties with yourfelf. We owe it to your Grace's well-directed labours, that your Sovereign has been persuaded to doubt of the affections of his subjects, and the people to suspect the virtues of their Sovereign, at a time when both were unquestionable. You have degraded the royal Royal dignity into a base and dishonourable competition with Mr Wilkes; nor had you abilities to carry even the last contemptible triumph over a private man, without the groffest violation of the fundamental laws of the constitution and rights of the people. But these are rights, my Lord, which you can no more annihilate, than you can the foil to which they are annexed. The question no longer turns upon points of national honour and fecurity abroad, or on the degrees of expedience and propriety of measures at home. It was not inconfiftent that you should abandon the cause of liberty in another country, which you had perfecuted in your own; and in the common arts of domestic corruption, we miss no part of Sir Robert Walpole's system except his abilities. In this humble imitative line, you might long have proceeded, fafe and contemptible. You might probably never have rifen to the dignity of being hated, and even have been despised with moderation. But it seems you meant to be distinguished; and, to a mind like your's, there was no other road to fame but by the deftruction of a noble fabric, which you thought had been too long the admiration of mankind. The use you have made of the military force introduced an alarming change in the mode of executing the laws. The arbitrary appointment of Mr Luttrell invades the foundation of the laws themfelves, 890007

felves, as it manifestly transfers the right of legislation from those whom the people have chosen, to those whom they have rejected. With a succession of such appointments, we may soon see a house of commons collected, in the choice of which the other towns and counties of England will have as little share as the devoted county of Middlesex.

Yet I trust that your Grace will find that the people of this country are neither to be intimidated by violent measures, nor deceived by refinements. When they fee Mr Luttrell feated in the house of commons by mere dint of power, and in direct opposition to the choice of a whole county, they will not liften to those subtleties, by which every arbitrary exertion of authority is explained into the law and privilege of parliament. It requires no perfuasion of argument, but simply the evidence of the fenfes, to convince them, that to transfer the right of election from the collective to the representative body of the people, contradicts all those ideas of a House of Commons, which they have received from their forefathers, and which they had already, though vainly perhaps, delivered to their children. The principles on which this violent measure has been defended, have added fcorn to injury; and forced us to feel, that we are not only oppressed, but insulted.

With what force, my Lord, with what protection, are you prepared to meet the united detertation of the people of England? The city of London has given a generous example to the kingdom, in what manner a king of this country ought to be addressed; and I fancy, my Lord, it is not yet in your courage to stand between your Sovereign and the addresses of his subjects. The injuries you have done this country are such as demand not only redress, but vengeance. In vain shall you look for protection to that venal vote, which

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which you have already paid for-Another must be purchased; and to save a minister, the house of commons must declare themselves not only independent of their constituents, but the determined enemies of the constitution. Consider, my Lord, whether this be an extremity to which their fears will permit them to advance; or, if their protection should fail you, how far you are authorifed to rely upon the fincerity of those smiles which a pious Court lavishes without reluctance upon a libertine by profession. It is not indeed the least of the thousand contradictions which attend you, that a man, marked to the world by the groffest violation of all ceremony and decorum, should be the first servant of a Court, in which prayers are morality, and kneeling is religion. Trust not too far to appearances, by which your predecessors have been deceived, though they have not been injured. Even the best of princes may at last discover, that this is a contention, in which every thing may be loft, but nothing can be gained; and as you became minister by accident, were adopted without choice, trusted without confidence, and continued without favour, be affured, that, whenever an occasion presses, you will be discarded without even the forms of regret. You will then have reason to be thankful, if you are permitted to retire to that feat of learning, which, in contemplation of the fystem of your life, the comparative purity of your manners with those of their high steward, and a thousand other recommending circumstances, has chosen you to encourage the growing virtue of their youth, and to preside over their education. Whenever the spirit of distributing prebends and bishopricks shall have departed from you, you will find that learned seminary perfectly recovered from the delirium of an installation, and, what in truth it ought to be, once more a peaceful frene of flumber and

thoughtless meditation. The venerable tutors of the university will no longer distress your modesty, by proposing you for a pattern to their pupils. The learned dulness of declamation will be silent; and even the venal muse, though happiest in siction, will forget your virtues. Yet, for the benefit of the succeeding age, I could wish that your retreat might be deferred, until your morals shall happily be ripened to that maturity of corruption, at which the worst examples cease to be contagious.

J U N I U S.

LETTER XVI.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR. 10 100 1 July 10. 1769. GREAT deal of useless argument might have been faved, in the political contest, which has arisen from the expulsion of Mr Wilkes, and the subsequent appointment of Mr Luttrell, if the question had been once stated with precision, to the fatisfaction of each party, and clearly underflood by them both. But in this, as in almost every other dispute, it usually happens, that much time is lost in referring to a multitude of cases and precedents, which prove nothing to the purpose; or in maintaining propositions, which are either not disputed, or, whether they be admitted or denied, are entirely indifferent as to the matter in debate; until at last the mind, perplexed and confounded with the endless subtleties of controverfy, loses fight of the main question, and never arrives at truth. Both parties in the difpute are apt enough to practife these dishonest artifices. The man who is conscious of the weakness of his cause, is interested in concealing it: and, on the other fide, it is not uncommon to fee

a good cause mangled by advocates who do not

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I should be glad to know, for instance, to what purpose, in the present case, so many precedents have been produced to prove, That the house of commons have a right to expel one of their own members; that it belongs to them to judge of the validity of elections; or that the law of parliament is part of the law of the land *? After all these propositions are admitted, Mr Luttrell's right to his feat will continue to be just as disputable as it was before. Not one of them is at present in agitation. Let it be admitted that the house of commons were authorised to expel Mr Wilkes, that they are the proper court to judge of elections, and that the Saw of parliament is binding upon the people; still it remains to be inquired, whether the house, by their resolution in favour of Mr Luttrell, have or have not truly declared that law. To facilitate this inquiry, I would have the question cleared of all foreign or indifferent matter. The following state of it will probably be thought a fair one by both parties; and then I imagine there is no gentleman in this country, who will not be capable of forming a judicious and true opinion upon it. I take the question to be strictly this: " Whether or no it " be the known, established law of parliament, " that the expulsion of a member of the house of " commons of itself creates in him such an inca-" pacity to be re-elected, that, at a subsequent " election, any votes given to him are null and " void; and that any other candidate, who, except " the person expelled, has the greatest number of

" votes, ought to be the fitting member." To prove that the affirmative is the law of par-

liament, I apprehend it is not sufficient for the prefent house of commons to declare it to be so. We

^{*} The reader will observe, that these admissions are made, not as of truths unquestionable, but for the sake of argument, and in order to bring the real question to iffue.

may thut our eyes indeed to the dangerous confequences of fuffering one branch of the legislature to declare new laws, without argument or example, and it may perhaps be prudent enough to submit to authority; but a mere affertion will never convince, much less will it be thought reasonable to prove the right by the fact itself. The ministry have not yet pretended to fuch a tyranny over our To support the affirmative fairly, it will, either be necessary to produce some statute, in which that positive provision shall have been made, that specific disability clearly created, and the consequences of it declared: or, if there be no such statute, the custom of parliament must then be referred to; and some case or cases *, strictly in point, must be produced, with the decision of the court upon them; for I readily admit, that the custom of parliament, once clearly proved, is equally binding with the common and statute law.

The consideration of what may be reasonable or unreasonable makes no part of this question. We are inquiring what the law is, not what it ought to be. Reason may be applied to show the impropriety or expedience of a law, but we must have either statute or precedent to prove the existence of it. At the same time I do not mean to admit that the late resolution of the house of commons is defensible on general principles of reason, any more than in law. This is not the hinge on which

the debate turns.

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Supposing therefore that I have laid down an accurate state of the question, I will venture to affirm, 1st, That there is no statute existing, by which that specific disability which we speak of is created. If there be, let it be produced. The argument will then be at an end.

2dly, That there is no precedent, in all the proceedings

^{*} Precedents, in opposition to principles, have little weight with Junius; but he thought it necessary to meet the ministry upon their own ground.

ceedings of the house of commons, which comes entirely home to the present case, viz. "where "an expelled member has been returned again, and another candidate, with an inferior number of votes, has been declared the sitting member." If there be such a precedent, let it be given to us plainly, and I am sure it will have more weight than all the cunning arguments which have been

drawn from inferences and probabilities.

The ministry, in that laborious pamphlet which I presume contains the whole strength of the party, have declared *, " that Mr Walpole's was the first " and only instance in which the electors of any " county or borough had returned a person expelled " to serve in the same parliament." It is not posfible to conceive a case more exactly in point. Mr Walpole was expelled; and, having a majority of votes at the next election, was returned again. The friends of Mr Taylor, a candidate fet up by the ministry, petitioned the house that he might Thus far the circumbe the fitting member. stances tally exactly, except that our house of commons faved Mr Luttrell the trouble of petitioning. The point of law, however, was the same. It came regularly before the house, and it was their business to determine upon it. They did determine it, for they declared Mr Taylor not duly elected. it be faid that they meant this resolution as matter of favour and indulgence to the borough, which had retorted Mr Walpole upon them, in order that the burgeffes, knowing what the law was, might correct their error, I answer,

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I. That it is a strange way of arguing, to oppose a supposition, which no man can prove, to a fact

which proves itself.

II. That if this were the intention of the house of commons, it must have defeated itself. The burgesses of Lynn could never have known their error.

[·] Case of the Middlesex election considered, page 38.

error, much less could they have corrected it by any instruction they received from the proceedings of the house of commons. They might perhaps have forseen, that, if they returned Mr Walpole again, he would again be rejected; but they never could infer, from a resolution by which the candidate with the sewest votes was declared not duly elected, that, at a future election, and in similar circumstances, the house of commons would reverse their resolution, and receive the same candidate as duly elected, whom they had before rejected.

This indeed would have been a most extraordinary way of declaring the law of parliament, and what I presume no man, whose understanding is not at cross-purposes with itself, could possibly un-

derstand.

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If, in a case of this importance, I thought myfelf at liberty to argue from suppositions rather
than from facts, I think the probability, in this
instance, is directly the reverse of what the ministry affirm; and that it is much more likely that
the house of commons at that time would rather
have strained a point in favour of Mr Taylor, than
that they would have violated the law of parliament, and robbed Mr Taylor of a right legally vested
in him, to gratify a refractory borough, which, in
defiance of them, had returned a person branded
with the strongest mark of the displeasure of the
house.

But really, Sir, this way of talking, for I cannot call it argument, is a mockery of the common understanding of the nation, too gross to be endured. Our dearest interests are at stake. An attempt has been made, not merely to rob a single county of its rights, but, by inevitable consequence, to alter the constitution of the house of commons. This satal attempt has succeeded, and stands as a precedent recorded for ever. If the

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ministry are unable to defend their cause by fair argument sounded on facts, let them spare us at least the mortification of being amused and deluded like children. I believe there is yet a spirit of resistance in this country, which will not submit to be oppressed; but I am sure there is a fund of good sense in this country, which cannot be deceived.

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LETTER XVII.

TO THE PRINTER OF THE PUBLIC ADVER-

IT will not be necessary for Junius to take the trouble of answering your correspondent G. A. or the quotation from a speech without doors, published in your paper of the 28th of last month. The speech appeared before Junius's letter; and as the author seems to consider the great proposition, on which all his arguments depends, viz. that Mr Wilkes was under that known legal incapacity of which Junius speaks, as a point granted, his speech is in no shape an answer to Junius, for this is

the very question in debate.

As to G. A. I observe, first, that if he did not admit Junius's state of the question, he should have shown the fallacy of it, or given us a more exact one;—fecondly, that, considering the many hours and days which the ministry and their advocates have wasted, in public debate, in compiling large quartos, and collecting innumerable precedents, expressly to prove that the late proceedings of the house of commons are warranted by the law, custom, and practice of parliament, it is rather an extraordinary supposition, to be made by one of their own party even for the sake of argument, that no such statute, no such custom of parliament, that no such statute, no such custom of parliament,

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ment, no such case in point, can be produced. G. A. may however make the supposition with safety. It contains nothing, but literally the fact, except that there is a case exactly in point, with a decision of the house, diametrically opposite to that which the present house of commons came to in favour of Mr Luttrell.

The ministry now begin to be ashamed of the weakness of their cause; and, as it usually happens with falshood, are driven to the necessity of shifting their ground, and changing their whole defence. At first we were told, that nothing could be clearer than that the proceedings of the house of commonswere justified by the known law and uniform cuftom of parliament. But now it feems, if there be no law, the house of commons have a right to make one; and if there be no precedent, they have a right to create the first:-for this I presume is the amount of the questions proposed to Junius. If your correspondent had been at all versed in the law of parliament, or generally in the laws of this country, he would have feen that this defence is as weak and false as the former.

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The privileges of either house of parliament, it is true, are indefinite, that is, they have not been described or laid down in any one code or declaration whatfoever; but whenever a question of privilege has arisen, it has invariably been disputed. or maintained upon the footing of precedents alone t. In the course of the proceedings upon the Aylfbury election, the house of lords resolved, "That neither house of parliament had any power, by any vote or declaration, to create to themselves " any new privilege that was not warranted by the

"known laws and customs of parliament." And to this rule the house of commons, though otherwife they had acted in a very arbitrary manner.

† This is still meeting the ministry upon their own ground; for, in truth, no precedents will support either natural injustice, or vicelation of politive right.

gave their affent; for they affirmed that they had guided themselves by it, in afferting their privileges.—Now, Sir, if this be true with respect to matters of privilege, in which the house of commons, individually and as a body, are principally concerned, how much more strongly will it hold against any pretended power in that house to create or declare a new law, by which not only the rights of the house over their own member, and those of the member himself, are included, but also those of a third and separate party, I mean the freeholders of the kingdom. To do justice to the ministry, they have not yet pretended that any one or any two of the three estates have power to make a new law, without the concurrence of the third. They know that a man who maintains such a doctrine, is liable, by statute, to the heaviest penalties. They do not acknowledge that the house of commons have assumed a new privilege, or declared a new law. - On the contrary, they affirm that their proceedings have been strictly conformable to and founded upon the ancient law and custom of parliament. Thus therefore the question returns to the point at which Junius had fixed it, viz. Whether or no this be the law of parliament. If it be not, the house of commons had no legal authority to establish the precedent; and the precedent itself is a mere fact, without any proof of right whatfoever.

Your correspondent concludes with a question of the simplest nature: Must a thing be wrong, because it has never been done before? No. But admitting it were proper to be done, that alone does not convey an authority to do it. As to the prefent case, I hope I shall never see the time, when not only a single person, but a whole county, and in effect the entire collective body of the people, may again be robbed of their birth-right by a vote of the house of commons. But if, for reasons which

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which I am unable to comprehend, it be necessary, to trust that house with a power so exorbitant and so unconstitutional, at least let it be given to them by an act of the legislature.

PHILO JUNIUS ...

LETTER XVIII.

TO SIR WILLIAM BLACKSTONE, SOLICITOR ...
GENERAL TO HER MAJESTY.

S. I R, JULY 29. 1769. I SHALL make you no apology for confidering a. certain pamphlet, in which your late conduct is defended, as written by yourfelf. The personal interest, the personal resentments, and, above all, that wounded spirit, unaccustomed to reproach, and. I hope not frequently conscious of deserving it, are fignals which betray the author to us as plainly as if your name were in the title-page. You appeal to the public in defence of your reputation. hold it, Sir, that an injury offered to an individual is interesting to society. On this principle the people of England made common cause with Mr Wilkes. On this principle, if you are injured, they will join in your resentment. I shall not follow you. through the infipid form of a third person, but address myself to you directly.

You feem to think the channel of a pamphlet more respectable and better suited to the dignity of your cause, than that of a newspaper. Be it so. Yet if newspapers are scurrilous, you must confess they are impartial. They give us, without any apparent preference, the wit and argument of the ministry, as well as the abusive dulness of the opposition. The scales are equally poised. It is not the printer's fault if the greater weight in-

clines the balance.

Your pamphlet then is divided into an attack a upon a

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upon Mr Grenville's character, and a defence of your own. It would have been more confiftent perhaps with your professed intention, to have confined yourself to the last. But anger has some claim to indulgence, and railing is usually a relief to the mind. I hope you have found benefit from the experiment. It is not my design to enter into a formal vindication of Mr Grenville, upon his own principles. I have neither the honour of being personally known to him, nor do I pretend to be completely master of all the facts. I need not run the risque of doing an injustice to his opinions, or to his conduct, when your pamphlet alone earries, upon the face of it, a full vindication of both.

Your first reslection, is, that Mr Grenville * was, of all men, the person who should not have complained of inconfiftence with regard to Mr Wilkes. This, Sir, is either an unmeaning fneer, a peevish expression of resentment, or, if it means any thing, you plainly beg the question; for whether his parliamentary conduct with regard to Mr Wilkes has or has not been inconsistent, remains yet to be proved. But it feems he received upon the fpot a sufficient chastifement for exercising fo unfairly his talents of mifrepresentation. You are a lawyer, Sir, and know better than I do, upon what particular occasions a talent for misrepresentation may be fairly exerted; but to punish a man a second time, when he has been once fufficiently chaftifed, is rather too severe. It is not in the laws of England; it is not in your own commentaries; nor is it yet, I believe, in the new law you have revealed to the house of commons. I hope this doctrine has no existence but in your own heart. After all, Sir, if you had consulted that sober discretion, which you feem to oppose with triumph to the ho-

[•] Mr Grenville had quoted a passage from the Doctor's excellent commentaries, which directly contradicted the doctrine maintained by the Doctor in the house of commons.

nest jollity of a tavern, it might occurred to you, that, although you could have succeeded in fixing a charge of inconsistence upon Mr Grenville, it would not have tended in any shape to exculpate

vourself.

Your next infinuation, that Sir William Meredith had hastily adopted the false glosses of his new ally, is of the same fort with the first. It conveys a fneer as little worthy of the gravity of your character, as it is useless to your desence. It is of little moment to the public to inquire, by whom the charge was conceived, or by whom it was adopted. The only question we ask is, whether or no it be true. The remainder of your reflections upon Mr Grenville's conduct destroy themselves. He could not possibly come prepared to traduce your integrity to the house. He could not foresee that you would even speak upon the question; much less could he forfee that you would maintain a direct contradiction of that doctrine, which you had folemnly, difinterestedly, and upon soberest reslection, delivered to the public. He came armed indeed with what he thought a respectable authority, to support what he was convinced was the cause of truth; and I doubt not he intended to give you, in the course of the debate, an honourable and public testimony of his esteem. Thinking highly of his abilities, I cannot however allow him the gift of divination. As to what you are pleafed to call a plan coolly formed to impose upon the house of commons, and his producing it without provocation at midnight, I consider it as the language of pique and invective, therefore unworthy of regard. But, Sir, I am sensible I have followed your example too long, and wandered from the point.

The quotation from your commentaries is matter of record. It can neither be altered by your friends, nor mifrepresented by your enemies; and Lam willing to take your own word for what you

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have faid in the house of commons. If there be a real difference between what you have written and what you have spoken, you confess that your book. ought to be the standard. Now, Sir, if words. mean any thing, I apprehend, that, when a long, enumeration of disqualifications (whether by statute or the custom of parliament) concludes with. these general comprehensive words, "But, subject. " to these restrictions and disqualifications, every " fubject of the realm is eligible of common right," a reader of plain understanding must of course rest fatisfied that no species of disqualification what soever had been omitted. The known character of. the author, and the apparent accuracy with which. the whole work is compiled, would confirm him. in his opinion; nor could he possibly form any other judgment, without looking upon your commentaries in the same light in which you consider those penal laws which, though not repealed, are fallen into disuse, and are now in effect A SNARE. TO THE UNWARY *...

Pou tell us indeed that it was not part of yours plan to specify any temporary incapacity; and that you could not, without a spirit of prophecy, have specified the disability of a private individual, subfequent to the period at which you wrote. What your plan was, I know not; but what it should have been, in order to complete the work you have given us, is by no means difficult to determine. The incapacity, which you call temporary, may continue seven years; and though you might not have foreseen the particular case of Mr Wilkes, you might and should have forseen the possibility of such a case, and told us how far the house of commons were authorized to proceed in it by the law and custom of parliament. The freeholders of Middle-

^{*} If, in stating the law upon any point, a judge deliberately affirms that he has included every case, and it should appear that he has purposely omitted a material case, he does in effect lay a snare for the unwary.

fex would then have known what they had to trust to, and would never have returned Mr Wilkes, when colonel Luttrell was a candidate against him. They would have chosen some indifferent person, rather than submit to be represented by the object

of their contempt and detestation.

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Your attempt to diftinguish between disabilities which affect whole classes of men, and those which affect individuals only, is really unworthy of your understanding. Your commentaries had taught me, that, although the instance in which a penal law is exerted be particular, the laws themselves are general. They are made for the benefit and instruction of the public, though the penalty falls only upon an individual. You cannot but know, Sir, that what was Mr Wilkes's case yesterday may be your's or mine to morrow, and that consequenly the common right of every fubject of the realm is invaded by it. Professing therefore to treat of the constitution of the house of commons, and of the laws and customs relative to that conflictation, you certainly were guilty of a most unpardonable omission in taking no notice of a right and privilege of the house, more extraordinary and more arbitrary than all the others they possess put together. If the expulsion of a member, not under any legal disability, of itself creates in him an incapacity to be elected, I fee a ready way marked out, by which the majority may at any time remove the honestest and ablest men who happen to be in opposition to them. To fay that they will not make this extravagant use of their power, would be a language unfit for a man fo learned in the laws as you are. By your doctrine, Sir, they have the power; and laws, you know, are intended to guard against what men may do, not to trust to what they will do.

Upon the whole, Sir, the charge against you is of a plain, simple nature: It appears even upon the face of your own pamphlet. On the contrary,

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your justification of yourself is full of subtlety and refinement, and in some places not very intelligible. If I were personally your enemy, I should dwell, with a malignant pleasure, upon those great and useful qualifications which you certainly possess, and by which you once acquired, though they could not preserve to you, the respect and esteem of your country. I should enumerate the honours you have lost, and the virtues you have disgraced: but having no private resentments to gratify, I think it sufficient to have given my opinion of your public conduct, leaving the punishment it deserves to your closet and to yourself. J U N I U S.

LETTER XIX.

ADDRESSED TO THE PRINTER OF THE PUB-LIC ADVERTISER.

SIR, August 14. 1769. CORRESPONDENT of the St James's Evening Post first wilfully misunderstands Junius, then censures him for a bad reasoner. Junius does not say that it was incumbent upon Doctor Blackstone to foresee and state the crimes for which Mr Wilkes was expelled. If, by a spirit of prophecy, he had even done fo, it would have been nothing to the purpole. The question is, not for what particular offences a person may be expelled, but generally whether by the law of parliament expulsion alone creates a disqualification. If the affirmative be the law of parliament, Doctor Blackstone might and should have told us so. The queftion is not confined to this or that particular perfon, but forms one great general branch of disqualification, too important in itself, and too extensive in its consequences, to be omitted in an accurate work expressly treating of the law of paliament.

The truth of the matter is evidently this. Dr. Blackstone,

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Blackstone, while he was speaking in the house of commons, never once thought of his Commentaries, until the contradiction was unexpectedly urged, and stared him in the face. Instead of defending himself upon the spot, he sunk under the charge, in an agony of confusion and despair. It is well known that there was a paufe of some minutes in the house, from a general expectation that the Doctor would fay something in his own defence; but it feems his faculties were too much overpowered to think of those subtleties and refinements which have fince occurred to him. It was then Mr Grenville received the severe chastisement, which the Doctor mentions with so much triumph. I wish the bonourable gentleman, instead of Shaking his head, would shake a good argument out of it. to the elegance, novelty, and bitterness of this ingenious farcasm, we add the natural melody of the amiable Sir Fletcher Norton's pipe, we shall not be furprifed that Mr Grenville was unable to make him any reply.

As to the Doctor, I would recommend it to him to be quiet. If not, he may perhaps hear again from Junius himself. PHILO JUNIUS.

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Postscript to a pamphlet intitled, 'An Answer to 'the question stated.' Supposed to be written by Dr Blackstone, Solicitor to the Queen, in answer to Junius's Letter.

SINCE these papers were sent to the press, a writer in the public papers, who subcribes himself Junius, has made a seint of bringing this question to a short issue. Though the foregoing observations contain, in my opinion at least, a full resultation of all that this writer has offered, I shall, however, bestow a very sew words upon him. It will cost me very little trouble to unravel and expose the sophistry of his argument.

I take thequestion, says he, to be strictly this:
Whether or no it be the known established law

of parliament, that the expulsion of a member

of the house of commons of itself creates in him

fuch an incapacity to be re-elected, that, at a

fubsequent election, any votes given to him are null and void; and that any other candidate, who,

except the person expelled, has the greatest number of votes, ought to be the sitting member.'

Waving for the prefent any objection I may have to this state of the question, I shall venture to meet our champion upon his own ground; and attempt to support the affirmative of it, in one of the two ways by which he fays it can be alone fairly supported. 'If there be no statute (fays he) in which the specific disability is clearly created, &c. (and we acknowledge there is none), the custom of parliament must then be referred to, and some case or cases, strictly in point, must be produced, with the decision of the court upon them.' Now I affert, that this has been done. Mr Walpole's case is strictly in point, to prove that expulsion creates absolute incapacity of being re-elected. This was the clear decision of the house upon it; and was a full declaration, that incapacity was the necessary consequence of expulsion. The law was as clearly and firmly fixed by this refolution, and is as binding in every subsequent case of expulsion, as if it had been declared by an express statute, " that a member expelled by a re-" folution of the house of commons shall be deemed " incapable of being re-elected." Whatever doubt then there might have been of the law before Mr Walpole's case, with respect to the full operation of a vote of expulsion, there can be none now. The decision of the house upon this case is strictly in point to prove, that expulsion creates absolute incapacity in law of being re-elected.

But incapacity in law in this instance must have

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the same operation and effect with incapacity in law in every other instance. Now, incapacity of being re-elected implies in its very terms, that any votes given to the incapable person, at a subsequent election, are null and void. This is its necessary operation, or it has no operation at all: It is vox et praterea nihil. We can no more be called upon to prove this proposition, than we can to prove that a dead man is not alive, or that twice two are four. When the terms are understood, the proposition is self-evident.

Lastly, it is, in all cases of election, the known and established law of the land, grounded upon the clearest principles of reason and common fense. that if the votes given to one candidate are null and void, they cannot be opposed to the votes given to another candidate. They cannot affect the votes of such candidate at all. As they have on the one hand no politive quality to add or establish, so have they on the other hand no negative one to substract or destroy. They are, in a word, a mere non-entity. Such was the determination of the house of commons in the Malden and Bedford elections; cases strictly in point to the present question, as far as they are meant to be in point. And to fay, that they are not in point. in all circumstances, in those particularly which are independent of the proposition which they are quoted to prove, is to fay no more than that Malden is not Middlesex, nor Serjeant Comyns Mr Wilkes.

Let us fee then how our proof stands. Expulfion creates incapacity, incapacity annihilates any votes given to the incapable person; the votes given to the qualified candidate stand upon their own bottom, firm and untouched, and can alone have essed. This, one would think, would be sufficient. But we are stopped short, and told, that none of our precedents come home to the present case; and are challenged to produce " a precedent in all the " proceedings of the house of commons that does come home to it, viz. where an expelled member has been returned again, and another candidate,

with an inferior number of votes, has been declared

" the sitting member."

Instead of a precedent, I will beg leave to put a case; which, I fancy, will be quite as decisive to the present point. Suppose another Sachaverel (and every party must have its Sachaverel) should, at some future election, take it into his head to offer himself a candidate for the county of Middlefex. He is opposed by a candidate, whose coat is of a different colour; but, however, of a very good colour. The divine has an indisputable majority; nay, the poor layman is absolutely distanced. The theriff, after having had his conscience well informed by the reverend casuist, returns him, as he supposes, duly elected. The whole house is in an uproar, at the apprehension of so strange an appearance amongst them. A motion however is at length made, that the person was incapable of being elected, that his election therefore is null and void, and that his competitor ought to have been returned. No, fays a great orator; first, show me your law for this proceeding. " Either pro-" duce me a statute, in which the specific disabi-" lity of a clergyman is created; or, produce me " a precedent where a clergyman has been returned, and another candidate, with an inferior number of " votes, has been declared the sitting member." No fuch statute, no such precedent, to be found. What answer then is to be given to this demand? The very same answer which I will give to that of Junius: That there is more than one precedent in the proceedings of the house-" where an incapable person has been returned, and another candidate, with an inferior number of votes, has been declared the fitting member; and that s this is the known and established law, in all ss cales

" cases of incapacity, from whatever cause it may " arise."

I shall now therefore beg leave to make a slight amendment to Junius's state of the question, the affirmative of which will then stand thus:

"It is the known and established law of parliament, that the expulsion of any member of the
house of commons creates in him an incapacity
of being re-elected; that any votes given to him
at a subsequent election are, in consequence of
fuch incapacity, null and void; and that any
other candidate, who, except the person rendered incapable, has the greatest number of

votes, ought to be the fitting member."

But our bufiness is not yet quite finished. Walpole's case must have a re-hearing. " not possible, says this writer, to conceive a case "more exactly in point. Mr Walpole was ex-" pelled; and having a majority of votes at the " next election, was returned again. The friends " of Mr Taylor, a candidate fet up by the mini-" ftry, petitioned the house that he might be the " fitting member. Thus far the circumstances "tally exactly, except that our house of com-" mons faved Mr Luttrell the trouble of petition-"ing. The point of law, however, was the fame. "It came regularly before the house, and it was " their business to determine upon it. They did " determine it; for they declared Mr Taylor not " duly elected."

Instead of examining the justness of this reprefentation, I shall beg leave to oppose against it my own view of this case, in as plain a manner and

as few words as I am able.

It was the known and established law of parliament, when the charge against Mr Walpole came before the house of commons, that they had power to expel, to disable, and to render incapable for offences. In virtue of this power, they expelled him.

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Had they, in the very vote of expulsion, adjudged him, in terms, to be incapable of being re-elected, there must have been at once an end with him. But though the right of the house, both to expel, and adjudge incapable, was clear and indubitable, it does not appear to me, that the full operation and effect of a vote of expulsion fingly was fo. The law in this cafe had never been expressly declared. There had been no event to call up such a declaration. I trouble not myfelf with the grammatical meaning of the word expulsion. I regard only its legal meaning. This was not, as I think, precisely fixed. The house thought proper to fix it, and explicitly to declare the full consequences of their former vote, before they suffered these consequences to take effect. And in this proceeding they acted upon the most liberal and folid principles of equity, justice, and law. What then did the burgeffes of Lynn collect from the second vote? Their subsequent conduct will tell us: it will with certainty tell us, that they considered it as decisive against Mr Walpole; it will also, with equal certainty, tell us, that, upon supposition that the law of election stood then, as it does now, and that they knew it to stand thus, they inferred, " that at a future elec-"tion, and in case of a similar return, the house would receive the same candidate, as duly elecet ted, whom they had before rejected." They could infer nothing but this.

It is needless to repeat the circumstance of disfimilarity in the present case. It will be sufficient to observe, that as the law of parliament, upon which the house of commons grounded every step of their proceedings, was clear beyond the reach of doubt, so neither could the freeholders of Middlesex be at a loss to foresee what must be the inevitable consequence of their proceedings in opposition to it. For upon every return of Mr Wilkes, Wilkes, the house made inquiry whether any

votes were given to any other candidate.

But I could venture, for the experiment's fake, even to give this writer the utmost he asks; to allow the most perfect fimilarity throughout in these two cases; to allow, that the law of expulfion was quite as clear to the burgeffes of Lynn, as to the freeholders of Middlesex. It will, I am confident, avail his cause but little. It will only prove, that the law of election at that time was different from the present law. It will prove, that, in all cases of an incapable candidate returned, the law then was, that the whole election should be void. But now we know that this is not law. The cases of Malden and Bedford were, as has been feen, determined upon other and more just principles. And these determinations are, I imagine, admitted on all fides to be law.

I would willingly draw a veil over the remaining part of this paper. It is astonishing, it is painful, to see men of parts and ability, giving into the most unworthy artifices, and descending so much below their true line of character. But if they are not the dupes of their sophistry, (which is hardly to be conceived), let them consider that

they are fomething much worfe.

The dearest interests of this country are its laws and its constitution. Against every attack upon these, there will, I hope, be always sound amongst us the sirmest spirit of resistance; superior to the united efforts of saction and ambition. For ambition, though it does not always take the lead of saction, will be sure in the end to make the most satal advantage of it, and draw it to its own purposes. But, I trust, our day of trial is yet far oss; and there is a fund of good sense in this country, which cannot long be deceived by the arts either of salse reasoning or salse patriotism.

LETTER XX.

TO THE PRINTER OF THE PUBLIC AD-VERTISER.

SIR. Aug. 8. 1769. THE gentleman who has published an answer to Sir William Meredith's pamphlet, having honoured me with a postscript of fix quarto pages, which he moderately calls bestowing a very few words upon me, I cannot, in common politeness, refuse him a reply. The form and magnitude of a quarto imposes upon the mind; and men, who are unequal to the labour of discussing an intricate argument, or wish to avoid it, are willing enough to suppose, that much has been proved, because much has been faid. Mine, I confess, are humble labours. I do not presume to instruct the learned, but fimply to inform the body of the people; and I prefer that channel of conveyance, which is likely to spread farthest among them. The advocates of the ministry seem to me to write for fame, and to flatter themselves that the size of their works will make them immortal. They pile up reluctant quarto upon folid folio, as if their labours, because they are gigantic, could contend with truth and heaven.

The writer of the volume in question, meets me upon my own ground. He acknowledges there is no statute, by which the specific disability we speak of is created; but he assume, that the custom of parliament has been referred to, and that a case strictly in point has been produced, with the decision of the court upon it.—I thank him for coming so fairly to the point. He asserts, that the case of Mr Walpole is strictly in point to prove that expulsion creates an absolute incapacity of being re-elected; and for this purpose he refers

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generally to the first vote of the house upon that occasion, without venturing to recite the vote itself. The unfair, difingenuous artifice of adopting that part of a precedent which feems to fuit his purpofe, and omitting the remainder, deferves some pity, but cannot excite my resentment. He takes advantage eagerly of the first resolution, by which Mr Walpole's incapacity is declared; but as to the two following, by which the candidate with the fewest votes was declared " not duely elected," and the election itself vacated, I dare fay he would be well fatisfied if they were for ever blotted out of the journals of the house of commons. In fair argument, no part of a precedent should be admitted, unless the whole of it be given to us together. The author has divided his precedent; for he knew, that, taken together, it produced a confequence directly the reverse of that which he endeavours to draw from a vote of expulsion. But what will this honest person say, if I take him at his word, and demonstrate to him, that the house of commons never meant to found Mr Walpole's incapacity upon his expulsion only? What subterfuge will then remain?

Let it be remembered, that we are speaking of the intention of men who lived more than half a century ago, and that such intention can only be collected from their words and actions as they are delivered to us upon record. To prove their defigns by a supposition of what they would have done, opposed to what they actually did, is mere trisling and impertinence. The vote, by which Mr Walpole's incapacity was declared, is thus expressed, "That Robert Walpole, Esq; having been this session of parliament committed a prisoner to the Tower, and expelled this house for a breach of trust in the execution of his office, and notorious corruption when secretary at war, was and is incapable of being elected a member

"to ferve in this present parliament "." Now. Sir, to my understanding, no proposition of this kind can be more evident, than that the house of commons, by this very vote, themselves understood, and meant to declare, that Mr Walpole's. incapacity arose from the crimes he had committed. not from the punishment the house annexed to them. The high breach of trust, the notorious corruption, are stated in the strongest terms. They do not tell us that he was incapable because he was expelled, but because he had been guilty of fuch offences as justly rendered him unworthy of a feat in parliament. If they had intended to fix the difability upon his expulsion alone, the mention of his crimes in the fame vote would have been highly improper. It could only perplex the minds of the electors, who, if they collected any thing from fo confused a declaration of the law of parliament, must have concluded that their reprefentative had been declared incapable because he was highly guilty, not because he had been punished. But even admitting them to have understood it in the other fense, they must then, from the very terms of the vote, have united the idea of his being fent to the Tower with that of his expulsion, and confidered his incapcity as the joint effect of both +.

It is well worth remarking, that the compiler of a certain quarto, called The case of the last election for the county of Middlesex considered, has the impudence to recite this very vote, in the following terms, vide page 11. "Resolved, that Robert Walpole, Esq; having been that session of parliament expelled the house, was and is incapable of being elected a member to serve in the present parliament." There cannot be a stronger positive proof of the treachery of the compiler, nor a stronger presumptive proof that he was convinced that the vote, if truely recited, would overturn his whole argument.

[†] ADDRESSED TO THE PRINTER OF THE PUBLIC ADVER-

VERY early in the debate upon the decision of the Middlesex election, it was observed by Junius, that the house of commons

I do not mean to give an opinion upon the juflice of the proceedings of the house of commons with regard to Mr Walpole; but certainly, if I admitted their censure to be well founded, I could

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mons had not only exceeded their boasted precedent of the expul-sion and subsequent incapacitation of Mr Walpole, but that they had not even adhered to it strictly as far as it went. After convicting Mr Dyfon of giving a false quotation from the Journals, and having explained the purpose which that contemptible fraud was intended to answer, he proceeds to state the vote itself by which Mr Walpole's supposed incapacity was declared, viz .- " Resolved, "That Robert Walpole, Esq; having been this session of parlia-ment committed a prisoner to the Tower, and expelled this " house for a high breach of trust in the execution of his office, and " notorious corruption when fecretary at war, was and is incapable of being elected a member to serve in this present parliament :" -and then observes, that, from the terms of the vote, we have no right to annex the incapacitation to the expulsion only; for that, as the proposition stands, it must arise equally from the expulsion and the commitment to the Tower. I believe, Sir, no man, who knows any thing of Dialectics, or who understands English, will dispute the truth and fairness of this construction. But Junius has a great authority to support him, which, to speak with the Duke of Grafton, I accidentally met with this morning in the course of my reading. It contains an admonition, which cannot be repeated too often. Lord Sommers, in his excellent tract upon the rights of the people, after reciting the votes of the convention of the 28th. of January 1689, viz.—"That King James the fecond, having endeavoured to subvert the constitution of this kingdom by break-" ing the original contract between King and people, and by the " advice of Jesuits and other wicked persons having violated the fundamental laws, and having withdrawn himself out of this " kingdom, hath abdicated the government, &c."-makes this observation upon it: " The word abdicated relates to all the clauses " aforegoing, as well as to his deferting the kingdom, or else they " would have been wholly in vain." And that there might be no pretence for confining the abdication me ely to the withdrawing, Lord Sommers farther observes, that King James, by refusing to govern us according to that law by which he held the crown, implicitly reasunced his title to it.

If Junius's construction of the vote against Mr Walpole be now admitted, (and indeed I cannot comprehend how it can honestly be disputed), the advocates of the house of commons must either give up their precedent entirely, or be reduced to the necessity of maintaining one of the grossest absurdations imaginable, viz. "That a commitment to the Tower is a constituent part of, and contributes half at least to, the incapacitation of the person who suffers

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no way avoid agreeing with them in the confequence they drew from it. I could never have a doubt, in law or reason, that a man convicted of a high breach of trust, and of a notorious corruption, in the execution of a public office, was and ought to be incapable of sitting in the same parliament. Far from attempting to invalidate that vote, I should have wished that the incapacity declared by it could legally have been continued for ever.

Now, Sir, observe how forcibly the argument returns. The house of commons, upon the face of their proceedings, had the strongest motives to declare Mr Walpole incapable of being re-elected. They thought such a man unworthy to sit among them.—To that point they proceeded, and no farther; for they respected the rights of the people, while they afferted their own. They did not inser, from Mr Walpole's incapacity, that his opponent was duely elected; on the contrary they declared Mr Taylor "Not duely elected," and the election itself void.

Such, however, is the precedent which my

the attention of the public to the decision of the Middlesex election. The more I consider it, the more I am convinced that, as a fall, it is indeed highly injurious to the rights of the people; but that, as a precedent, it is one of the most dangerous that ever was established against those who are to come after us. Yet I am so far a moderate man, that I verily believe the majority of the house of commons, when they passed this dangerous vote, neither understood the question, nor knew the consequence of what they were doing. Their motives were rather despicable, than criminal, in the extreme. One effect they certainly did not foresee. They are now reduced to fuch a fituation, that if a member of the present house of commons were to conduct himself ever so improperly, and in reality deserve to be sent back to his constituents with a mark of disgrace, they would not dare to expel him; because they know that the people, in order to try again the great question of right, or to thwart an odious house of commons, would probably overlook his immediate unworthiness, and return the same person to parliament. -But, in time, the precedent will gain strength. A future house of commons will have no fuch apprehensions; consequently will not scruple to follow a precedent, which they did not establish. The mifer himself seldom lives to enjoy the fruit of his extortion; but his heir succeeds him of course, and takes possession without censure. No man expects him to make restitution; and, no matter for his title, he lives quietly upon the estate. PHILO JUNIUS.

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honest friend affures us is strictly in point to prove that expulsion of itself creates an incapacity of being elected. If it had been fo, the present house of commons should at least have followed strictly the example before them, and should have stated to us in the same vote the crimes for which they expelled Mr Wilkes; whereas they resolve fimply, that, " having been expelled, he was and " is incapable." In this proceeding I am authorized to affirm, they have neither statute, nor cuflom, nor reason, nor one single precedent, to support them. On the other fide, there is indeed a precedent fo strongly in point, that all the enchanted castles of ministerial magic fall before it. In the year 1698, (a period which the rankest Tory dare not except against), Mr Wollaston was expelled, re-elected, and admitted to take his feat in the same parliament. The ministry have precluded themselves from all objections drawn from the cause of his expulsion; for they affirm absolutely, that expulsion of itself creates the disability. Now. Sir, let fophistry evade, let falsehood affert, and impudence deny-here stands the precedent, a land-mark to direct us through a troubled fea of controversy, conspicuous and unmoved.

I have dwelt the longer upon the discussion of this point, because, in my opinion, it comprehends the whole question. The rest is unworthy of notice. We are inquiring whether incapacity be or be not created by expulsion. In the cases of Bedford and Malden, the incapacity of the persons returned was matter of public notoriety, for it was created by act of parliament. But really, Sir, my honest friend's suppositions are as unsavourable to him as his facts. He well knows that the clergy, besides that they are represented in common with their sellow-subjects, have also a separate parliament of their own:—that their incapacity to sit in the house of commons has been confirmed

confirmed by repeated decisions of the house; and that the law of parliament declared by those decifions, has been for above two centuries notorious and undisputed. The author is certainly at liberty to fancy cases, and make whatever comparisons he thinks proper; his suppositions still continue as distant from fact, as his wild discourses are from folid argument.

The conclusion of his book is candid to extreme. He offers to grant me all I defire. He thinks he may fafely admit that the case of Mr Walpole makes directly against him, for it seems he has one grand folution in petto for all difficulties. If, fays he, I were to allow all this, it will only prove, that the law of election was different, in Queen Anne's

time, from what it is at present.

This indeed is more than I expected. The principle, I know, has been maintained in fact; but I never expected to fee it fo formally declared. What can he mean? Does he assume this language to fatisfy the doubts of the people, or does he mean to rouse their indignation? Are the ministry daring enough to affirm, that the house of commons have a right to make and unmake the law of parliament at their pleasure?-Does the law of parliament, which we are so often told is the law of the land; -does the common right of every subject of the realm, depend upon an arbitrary capricious vote of one branch of the legislature?-The voice of truth and reason must be silent.

The ministry tell us plainly, that this is no longer a question of right, but of power and force What was law yesterday is not law today: and now it feems we have no better rule to live by, than the temporary discretion and fluctua-

ting integrity of the house of commons.

Professions of patriotism are become stale and ridiculous. For my own part, I claim no merit from eneavouring to do a fervice to my fellow fubjects. confirmed

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jects. I have done it to the best of my understanding; and, without looking for the approbation of other men, my conscience is satisfied. What remains to be done concerns the collective body of the people. They are now to determine for themfelves, whether they will firmly and constitutionally affert their rights; or make an humble, flavish furrender of them at the feet of the ministry. a generous mind there cannot be a doubt. owe it to our ancestors to preserve entire these rights, which they have delivered to our care: we owe it to our posterity, not to suffer their dearest inheritance to be destroyed. But if it were possible for us to be insensible of these facred claims, there is yet an obligation binding upon ourselves, from which nothing can acquit us;—a personal interest. which we cannot furrender. To alienate even our own rights, would be a crime as much more enormous than fuicide, as a life of civil fecurity and freedom is superior to a bare existence; and if life be the bounty of heaven, we scornfully reject the noblest part of the gift, if we consent to furrender that certain rule of living, without which the condition of human nature is not only miferable. JUNIUS. but contemptible.

LETTER XXI.

TO THE PRINTER OF THE PUBLIC ADVER-

Aug. 22. 1769.

I MUST beg of you to print a few lines, in explanation of some passages in my last letter, which I see have been misunderstood.

1. When I said, that the house of commons never meant to found Mr Walpole's incapacity on his expulsion only, I meant no more than to deny the general proposition that expulsion alone creates K

the incapacity. If there be any thing ambiguous in the expression, I beg leave to explain it by saying, that, in my opinion, expulsion neither creates, nor in any part contributes to create, the incapacity

in question.

2. I carefully avoided entering into the merits of Mr Walpole's case. I did not inquire, whether the house of commons acted justly, or whether they truly declared the law of parliament. My remarks went only to their apparent meaning and intention, as it stands declared in their own resolution.

3. I never meant to affirm, that a commitment to the Tower created a disqualification. On the contrary, I considered that idea as an absurdity, into which the ministry must inevitably fall, if they

reasoned right upon their own principles.

The case of Mr Wollaston speaks for itself. The ministry affert that expulsion alone creates an absolute, complete incapacity to be re-elected to sit in the same parliament. This proposition they have uniformly maintained, without any condition or modification whatsoever. Mr Wollaston was expelled, re-elected, and admitted to take his feat in the same parliament.—I leave it to the public to determine, whether this be a plain matter of fact, or mere nonsense or declamation.

JUNIUS.

LETTER XXII.

TO THE PRINTER OF THE PUBLIC ADVER-

SEPT. 4. 1769.

ARGUMENT against FACT; or, A new system of political Logic, by which the ministry have demonstrated, to the satisfaction of their friends, that expulsion alone creates a complete incapacity to be re-elected; alias, that a subject of this

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this realm may be robbed of his common right by a vote of the house of commons.

FIRST FACT.

MR Wollaston, in 1698, was expelled, re-elected, and admitted to take his seat.

ARGUMENT.

As this cannot conveniently be reconciled with our general proposition, it may be necessary to shift our ground, and look back to the cause of Mr Wollaston's expulsion. From thence it will appear clearly, that, " although he was expelled, he had " not rendered himself a culprit too ignominious " to fit in parliament; and that having refigned " his employment, he was no longer incapacitated " by law." Vide Serious Considerations, page 23. Or thus, " The house, somewhat inaccurately, " used the word EXPELLED; they should have " called it AMOTION." Vide Mungo's cafe confidered, page 11. Or in fhort, if these arguments should be thought insufficient, we may fairly deny the fact. For example: " I affirm that he was " not re-elected. The same Mr Wollaston, who " was expelled, was not again elected. The fame " individual, if you please, walked into the house, " and took his feat there; but the same person in " law was not admitted a member of that parlia-"ment, from which he had been discarded." Vide Letter to Junius, page 12.

SECOND FACT.

Mr Walpole having been committed to the Tower, and expelled for a high breach of trust and notorious corruption in a public office, was declared incapable, &c.

ARGUMENT.

From the terms of this vote, nothing can be K 2 more

more evident, than that the house of commons meant to fix the incapacity upon the punishment and not upon the crime; but lest it should appear in a different light to weak, uninformed persons, it may be advisable to gut the resolution, and give it to the public, with all possible solemnity, in the sollowing terms, viz. "Resolved, that Robert "Walpole, Esq; having been that session of par-"liament expelled the house, was and is incapa-"ble of being elected member to serve in that present parliament." Vide Mungo, on the use of quotations, page 11.

N. B. The author of the answer to Sir William Meredith seems to have made use of Mungo's quotation; for in page 18, he assures us, "That the declaratory vote of the 17th of February 1769,

" was indeed a literal copy of the resolution of the

" house in Mr Walpole's case."

THIRD FACT.

His opponent, Mr Taylor, having the smallest number of votes at the next election, was declared NOT DULY ELECTED.

ARGUMENT.

This fact we consider as directly in point to prove that Mr Luttrell ought to be the fitting member, for the following reasons. " The bur-" gesses of Lynn could draw no other inference " from this resolution, but this, that at a future " election, and in case of a similar return, the " house would receive the same condidate as duly " elected, whom they had before rejected." Vide Postscript to Junius, p. 37. Or thus: "This their " resolution leaves no room to doubt what part " they would have taken, if, upon a subsequent re-" election of Mr Walpole, there had been any " other candidate in competition with him. For, by their vote, they could have no other inten-"tion than to admit such other candidate." Vide Mungo's

Mungo's cafe considered, p. 39. Or take it in this light.-The burgesses of Lynn having, in defiance of the house, retorted upon them a person, whom they had branded with the most ignominious marks of their displeasure, were thereby so well intitled to favour and indulgence, that the house could do no less than rob Mr Taylor of a right legally vested in him, in order that the burgeffes might be apprised of the law of parliament; which law the house took a very direct way of explaining to them, by resolving that the candidate with the fewest votes . was not duly elected:- " And was not this much " more equitable, more in the spirit of that equal and substantial justice, which is the end of all " law, than if they had violently adhered to the ftrict maxims of law?" Vide Serious Confiderations. p. 33 and 34. "And if the present house of com-" mons had chosen to follow the spirit of this re-" folution, they would have received and efta-" blished the candidate with the fewest votes." Vide Answer to Sir W. M. p. 18%.

Permit me now, Sir, to shew you, that the worthy Dr Blackstone sometimes contradicts the ministry as well as himself. The Speech without doors asserts, page 9. "that the legal effect of an incapacity, founded on a judicial determination of a complete court, is precisely the same as that of an incapacity created by act of parliament." Now for the Doctor.—The law and the opinion of the judge are not always convertible terms, or one and the same thing; since it sometimes may happen that the judge may mistake the law. Commentaries,

Vol. I. p. 71.

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The answer to Sir W. M. asserts, page 23. "That the returning officer is not a judicial, but a purely ministerial officer. His return is no judicial act."

—At 'em again, Doctor. The Sheriff in his judicial capacity is to hear and determine causes of forty shillings value and under in his county court. He

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has also a judicial power in divers other civil cases. He is likewise to decide the elections of Knights of the shire (subject to the control of the house of commons), to judge of the qualification of voters, and to return such as he shall DETERMINE to be duly elected.

Vide Commentaries, Vol. I. page 332.

What conclusion shall we draw from such facts, and such arguments, such contradictions? I cannot express my opinion of the present ministry more exactly than in the words of Sir Richard Steele: "that we are governed by a set of drivel-"lers, whose folly takes away all dignity from distress, and makes even calamity ridiculous."

PHILO JUNIUS.

LETTER XXIII.

TO HIS GRACE THE DUKE OF BEDFORD.

My LORD, SEPT. 19. 1769. YOU are so little accustomed to receive any marks of respect or esteem from the public, that if, in the following lines, a compliment or expression of applause should escape me, I fear you would confider it as a mockery of your established character, and perhaps an infult to your understanding. You have nice feelings, my Lord, if we may judge from your refentments. Cautious therefore of giving offence, where you have so little deserved it, I shall leave the illustration of your virtues to other hands. Your friends have a privilege to play upon the easiness of your temper, or possibly they are better acquainted with your good qualities than I am. You have done good by stealth. The rest is upon record. You have still left ample room for speculation, when panegyric is exhausted.

You are indeed a very confiderable man. The highest rank;—a splendid fortune;—and a name, glorious

glorious till it was your's,—were sufficient to have supported you with meaner abilities than I think you posses. From the first, you derive a constitutional claim to respect; from the second, a natural extensive authority;—the last created a partial expectation of hereditary virtues. The use you have made of these uncommon advantages might have been more honourable to yourself, but could not be more instructive to mankind. We may trace it in the veneration of your country, the choice of your friends, and in the accomplishment of every sanguine hope which the public might have conceived from the illustrious name of Russel.

The eminence of your station gave you a commanding prospect of your duty. The road, which led to honour, was open to your view. You could not lose it by mistake, and you had no temptation to depart from it by defign. Compare the natural dignity and importance of the richest peer of England;—the noble independence, which he might have maintained in parliament, and the real interest and respect, which he might have acquired, not only in parliament, but through the whole kingdom:-compare these glorious distinctions with the ambition of holding a share in government, the emoluments of a place, the fale of a borough, or the purchase of a corporation; and though you may not regret the virtues which create respect, you may fee with anguish how much real importance and authority you have loft. Confider the character of an independent virtuous Duke of Bedford; imagine what he might be in this country, then reflect one moment upon what you are. If it be possible for me to withdraw my attention from the fact, I will tell you in the theory what fuch a man might be.

Conscious of his own weight and importance, his conduct in parliament would be directed by nothing but the constitutional duty of a peer. He

would

would confider himfelf as a guardian of the laws. Willing to support the just measures of government, but determined to observe the conduct of the minister with suspicion, he would oppose the violence of faction with as much firmness, as the encroachments of prorogative. He would be as little capable of bargaining with the minister for places for himself or his dependants, as of descending to mix himself in the intrigues of opposition. Whenever an important question called for his opinion in parliament, he would be heard, by the most profligate minister, with deference and respect. His authority would either fanctify or difgrace the measures of government.—The people would look up to him as their protector; and a virtuous prince would have one honest man in his dominions, in whose integrity and judgment he might fafely confide. * If it should be the will of Providence to afflict him with a domestic misfortune, he would fubmit to the stroke, with feeling, but not without dignity. He would confider the people as his children, and receive a generous heart-felt confolation in the sympathising tears and blessings of his. country.

Your Grace may probably discover something more intelligible in the negative part of this illustrious character. The man I have described would never prostitute his dignity in parliament by an indecent violence either in opposing or defending a minister. He would not at one moment rancorously persecute, at another basely cringe to the favourite of his Sovereign. After outraging the royal dignity with peremptory conditions little short of menace and hostility, he would never descend to the humility of soliciting an interview †

The Duke lately lost his only son, by a fall from his horse.

† At this interview, which passed at the house of the late Lord Eglingtoun, Lord Bute told the Duke that he was determined never to have any connexion with a man who had so basely betrayed him.

with the favourite, and of offering to recover at any price the honour of his friendship. Though deceived perhaps in his youth, he would not, through the course of a long life, have invariably chosen his friends from among the most profligate of mankind. His own honour would have forbidden him from mixing his private pleasures or converfation with jockeys, gamesters, blasphemers, gladiators, or buffoons. He would then have never felt, much less would he have submitted to, the dishonest necessity of engaging in the interests and intrigues of his dependants; of fupplying their vices, or relieving their beggary, at the expence of his country. He would not have betrayed fuch ignorance, or fuch contempt, of the constitution, as openly to avow, in a court of justice, the * purchase and sale of a borough. He would not have thought it consistent with his rank in the state, or even with his personal importance, to be the little tyrant of a little corporation +. He would never have been infulted with virtues, which he had laboured to extinguish; nor suffered the disgrace of a mortifying defeat, which has made him ridiculous and contemptible, even to the few by whom he was not detested .- I reverence the afflictions of a good man,-his forrows are facred. But how can we take part in the distresses of a man, whom we can neither love nor esteem; or feel for a calamity, of which he himself is insensible? Where was the father's heart, when he could look for, or find, an immediate consolation for the loss of an only fon, in confultations and bargains for a place

^{*} In an answer in Chancery, in a suit against him to recover a large sum paid him by a person whom he had undertaken to return to parliament, for one of his Grace's boroughs. He was compelled to repay the money.

[†] Of Bedford; where the tyrant was held in such contempt and detestation, that, in order to deliver themselves from him, they admitted a great number of strangers to the freedom. To make his defeat truly ridiculous, he tried his whole strength against Mr Harne, and was beaten upon his own ground.

at court, and even in the mifery of balloting at the India house!

Admitting then that you have mistaken or deferted those honourable principles which ought to have directed your conduct; admitting that you have as little claim to private affection as to public esteem; let us see with what abilities, with what degree of judgment, you have carried your own fystem into execution. A great man, in the success and even in the magnitude of his crimes, finds a rescue from contempt. Your Grace is every way unfortunate. Yet I will not look back to those ridiculous scenes, by which in your earlier days you thought it an honour to be distinguished *; -the recorded stripes, the public infamy, your own fufferings, or Mr Rigby's fortitude. Thefe events undoubtedly left an impression, though not upon your mind. To fuch a mind it may perhaps be a pleasure to reflect, that there is hardly a corner of any of his Majesty's kingdoms, except France, in which, at one time or another, your valuable life has not been in danger. Amiable man! we fee and acknowledge the protection of Providence, by which you have so often escaped the personal. detestation of your fellow-subjects, and are still referved for the public justice of your country.

Your history begins to be important at that aufpicious period, at which you were deputed to represent the Earl of Bute at the court of Versailles. It was an honourable office, and executed with the same spirit with which it was accepted. Your

patrons

^{*} Mr Heston Homphrey, a country Attorney, horsewhipped the Duke, with equal justice, severity, and perseverance, on the Course at Litchfield. Rigby and Lord Trentham were also cudgelled in a most examplary manner. This gave rise to the following story: "When the late King heard that Sir Edward Hawke had given the "French a drubbing, his Majesty, who had never received that

[&]quot; kind of chastifement, was pleafed to ask Lord Chesterfield the meaning of the word.—Sir, says Lord Chesterfield, the meaning of the word—but here comes the Duke of Bedford, who is

[&]quot; better able to explain it to your majesty than I am."

patrons wanted an ambaffador, who would fubmit to make concessions, without daring to infift upon any honourable condition for his Sovereign. Their bufiness required a man who had as little feeling for his own dignity as for the welfare of his country; and they found him in the first rank of the nobility. Belleisle, Goree, Gaudeloupe, St. Lucia, Martinique, the Fishery, and the Havanna, are glorious monuments of your Grace's talents for negotiation. My Lord, we are too well acquainted with your pecuniary character, to think it possible that fo many public facrifices should have been made, without some private compensations. Your conduct carries with it an internal evidence, beyond all the legal proofs of a court of justice. Even the callous pride of Lord Egremont was alarmed *. He saw and felt his own dishonour in corresponding with you; and there certainly was a moment, at which he meant to have refifted, had not a fatal lethargy prevailed over his faculties, and carried all fense and memory away with it.

I will not pretend to specify the secret terms on which you were invited to support an † administration which Lord Bute pretended to leave in sull possession of their ministerial authority, and perfectly masters of themselves. He was not of a temper to relinquish power, though he retired from employment. Stipulations were certainly made between your Grace and him, and certainly violated. After two years submission, you thought you had collected a strength sufficient to controul his influence, and that it was your turn to be a tyrant, because you had been a slave. When you found yourself mistaken in your opinion of your gracious Master's sirmness, disappointment got the

† Mr Grenville, Lord Halifax, and Lord Egremont.

^{*}This man, notwithstanding his pride and tory principles, had some English stuff in him. Upon an official letter he wrote to the Duke of Bedford, the Duke desired to be recalled, and it was with the utmost difficulty that Lord Bute could appear him

better of all your humble discretion, and carried you to an excess of outrage to his person, as distant from true spirit, as from all decency and respect *. After robbing him of the rights of a King, you would not permit him to preserve the honour of a gentleman. It was then Lord Weymouth was nominated to Ireland, and dispatched (we well remember with what indecent hurry) to plunder the treasury of the first fruits of an employment which

you well know he was never to execute +.

This fudden declaration of war against the favourite might have given you a momentary merit with the public, if it had either been adopted upon principle, or maintained with refolution. out looking back to all your former fervility, we need only observe your subsequent conduct, to see upon what motives you acted. Apparently united with Mr Grenville, you waited until Lord Rockingham's feeble administration should dissolve in its own weakness.-The moment their dismission was suspected, the moment you perceived that another system was adopted in the closet, you thought it no disgrace to return to your former dependence. and folicit once more the friendship of Lord Bute. You begged an interview, at which he had spirit enough to treat you with contempt.

It would be now of little use to point out, by what a train of weak, injudicious measures, it became necessary, or was thought so, to call you back to a share in the administration. The friends,

[•] The ministry having endeavoured to exclude the Dowager out of the regency bill, the Earl of Bute determined to dismiss them. Upon this the Duke of Bedford demanded an audience of the—; reproached him in plain terms, with his duplicity, baseness, false-hood, treachery, and hypocrify—repeatedly gave him the lie, and left him in convulsions.

[†] He received three thousand pounds for plate and equipage money.

t When Earl Gower was appointed President of the council, the King with his usual sincerity assured him, that he had not had one happy moment since the Duke of Bedford lest him.

whom you did not in the last instance desert, were not of a character to add strength or credit to government; and at that time your alliance with the Duke of Graston was, I presume, hardly foreseen. We must look for other stipulations, to account for that sudden resolution of the closet, by which three of your dependants * (whose characters, I think, cannot be less respected than they are) were advanced to offices, through which you might again controul the minister, and probably engross

the whole direction of affairs.

The possession of absolute power is now once more within your reach. The measures you have taken to obtain and confirm it, are too gross to escape the eyes of a discerning judicious prince. His palace is belieged; the lines of circumvallation are drawing round him; and unless he finds a refource in his own activity, or in the attachment of the real friends of his family, the best of princes must submit to the confinement of a state-prisoner, until your Grace's death, or some less fortunate event, shall raise the siege. For the present, you may fafely refume that ftyle of infult and menace, which even a private gentleman cannot submit to hear without being contemptible. Mr Mackenzie's history is not yet forgotten; and you may find precedents enough of the mode, in which an imperious subject may fignify his pleasure to his Sove-Where will this gracious monarch look for assistance, when the wretched Grafton could forget his obligations to his mafter, and defert him for a hollow alliance with fuch a man as the Duke of Bedford!

Let us consider you, then, as arrived at the fummit of worldly greatness: let us suppose, that all your plans of avarice and ambition are accomplished, and your most fanguine wishes gratified in the fear as well as the hatred of the people:

^{*} Lords Gower, Weymouth, and Sandwich.

Can age itself forget that you are in the last act of life? Can grey hairs make folly venerable? and is there no period to be reserved for meditation and retirement? For shame! my Lord: let it not be recorded of you, that the latest moments of your life were dedicated to the same unworthy pursuits, the same busy agitations, in which your youth and manhood were exhausted. Consider, that, although you cannot disgrace your former life, you are violating the character of age, and exposing the impotent imbecillity after you have lost the vigour

of the passions.

Your friends will ask, perhaps, Whither shall this unhappy old man retire? Can he remain in the metropolis, where his life has been so often threatened, and his palace so often attacked? If he returns to Wooburn, scorn and mockery await him. He must create a solitude round his estate, if he would avoid the face of reproach and derision. At Plymouth, his destruction would be more than probable; at Exeter, inevitable. No honest Englishman will ever forget his attachment, nor any honest Scotchman forgive his treachery, to Lord Bute. At every town he enters, he must change his liveries and name. Whichever way he slies, the Hue and Cry of the country pursues him,

In another kingdom, indeed, the blessings of his administration have been more sensibly felt; his virtues better understood; or at worst they will not, for him alone, forget their hospitality.—As well might Verres have returned to Sicily. You have twice escaped, my Lord; beware of a third experiment. The indignation of a whole people, plundered, insulted, and oppressed as they have

been, will not always be disappointed.

It is in vain therefore to shift the scene. You can no more sly from your enemies than from yourself. Persecuted abroad, you look into your

own heart for confolation, and find nothing but reproaches and despair. But, my Lord, you may quit the field of bufiness, though not the field of danger; and though you cannot be fafe, you may cease to be ridiculous. I fear you have listened too long to the advice of those pernicious friends, with whose interests you have fordidly united your own, and for whom you have facrificed every thing that ought to be dear to a man of honour. They are still base enough to encourage the follies of your age, as they once did the vices of your youth. As little acquainted with the rules of decorum as with the laws of morality, they will not fuffer you to profit by experience, nor even to confult the propriety of a bad character. Even now they tell you, that life is no more than a dramatic fcene, in which the hero should preserve his confistency to the laft; and that as you lived without virtue, you should die without repentance. JUNIUS.

LETTER XXIV.

TO JUNIUS.

SIR, SEPT. 14. 1769. HAVING accidentally seen a republication of your letters, wherein you have been pleafed to affert, that I had fold the companions of my fuccefs; I am again obliged to declare the faid affertion to be a most infamous and malicious falsehood; and I again call upon you to stand forth, avow yourself, and prove the charge. If you can make it out to the fatisfaction of any one man in the kingdom, I will be content to be thought the worst man in it; if yo do not, what must the nation think of you? Party has nothing to do in this affair: you have made a personal attack upon my honour, defamed me by a most vile calumny, which might possibly have funk into oblivion, had not :

not fuch uncommon pains been taken to renew and perpetuate this scandal, chiefly because it has been told in good language: for I give you full credit for your elegant diction, well-turned periods, and Attic wit: but wit is oftentimes falle, though it may appear brilliant; which is exactly the case of your whole performance. But, Sir, I am obliged in themost ferious manner to accuse you of being guilty of falfities. You have faid the thing that is not. To support your story, you have recourse to the following irrefifible argument: " You fold the " companions of your victory, because when the " 16th regiment was given to you, you was filent. "The conclusion is inevitable." I believe that fuch deep and acute reasoning could only come from such an extraordinary writer as Junius. But unfortunately for you, the premises as well as the conclufion are absolutely false. Many applications have been made to the ministry on the subject of the Manila Ransom fince the time of my being colonel of that regiment. As I have for some years quitted London, I was obliged to have recourse to the honourable Colonel Monson and Sir Samuel Cornish to negotiate for me; in the last autumn, I personally delivered a memorial to the Earl of Shelburn at his feat in Wiltshire. As you have told us of your importance, that you are a person of rank and fortune, and above a common bribe, you may in all probability be not unknown to his lordship, who can satisfy you of the truth of what I fay. But I shall now take the liberty, Sir, to feize your battery, and turn it against yourself. If your puerile and tinfel logic could carry the least weight or conviction with it, how must you stand affected by the inevitable conclusion, as you are pleased to term it? According to Junius, Silence is Guilt. In many of the public papers, you have been called in the most direct and offensive terms a liar, and a coward. When did you reply to thefe foul

foul accusations? You have been quite filent; quite chop-fallen; therefore, because you was silent, the nation has a right to pronounce you to be both a . liar and a coward from your own argument. But, Sir, I will give you fair-play; will I afford you an opportunity to wipe off the first appellation, by defiring the proofs of your charge against me. Produce them! To wipe off the last, produce yourfelf. People cannot bear any longer your Lion's Thin, and the despicable imposture of the old Roman name which you have affected. For the future affume the name of some modern* bravo and dark affaffin: let your appellation have some affinity to your practice. But if I must perisb, Junius, let me perilb in the face of day; be for once a generous and open enemy. I allow that Gothic appeals to cold iron are no better proofs of a man's honesty and veracity, than hot iron and burning ploughshares are of female chastity: but a soldier's honour is as delicate as a woman's; it must not be suspected; you have dared to throw more than a suspicion upon mine: you cannot but know the confequences, which even the meekness of Christianity would pardon me for, after the injury you have WILLIAM DRAPER. done me. .

LETTER XXV.

Haret lateri lethalis arundo.

TO SIR WILLIAM DRAPER, K. B.

A FTER fo long an interval, I did not expect to fee the debate revived between us. My answer to your last letter shall be short; for I write to you with reluctance, and I hope we shall now conclude our correspondence for ever.

L 3 Had

[•] Was Brutus an ancient brave and dark affaffin? or does Sir W. D. think it criminal to stab a tyrant to the heart?

Had you been originally and without provocation attacked by an anonymous writer, you would have some right to demand his name. But in this cause you are a volunteer. You engaged in it with the unpremeditated gallantry of a foldier. You were content to fet your name in opposition to a man, who would probably continue in concealment. You understood the terms upon which we were to correspond, and gave at least a tacit affent to them. After voluntarily attacking me under the character of Junius, what possible right have you to know me under any other? Will you forgive me if I infinuate to you, that you forefaw fome honour in the apparent spirit of coming forward in person, and that you were not quite indifferent to the display of your literary qualifications?

You cannot but know, that the republication of my letters was no more than a catchpenny contrivance of a printer, in which it was impossible I should be concerned, and for which I am no way answerable. At the same time I wish you to understand, that if I do not take the trouble of reprinting these papers, it is not from any fear of

giving offence to Sir William Draper.

Your remarks upon a fignature adopted merely for distinction, are unworthy of notice: but when you tell me I have submitted to be called a liar and a coward, I must ask you in my turn, whether you think seriously it any way incumbent me to take notice of the filly invectives of every simpleton, who writes in a newspaper; and what opinion you would have conceived of my discretion, if I had suffered myself to be the dupe of so shallow an artifice?

Your appeal to the fword, though confiftent enough with your late profession, will neither prove your innocence nor clear you from suspicion.—Your complaints with regard to the Ma-

nila ransom were for a considerable time a distress to government. You were appointed (greatly out of your turn) to the command of a regiment, and during that administration we heard no more of Sir William Draper. The facts of which I speak may indeed be variously accounted for, but they are too notorious to be denied; and I think you might have learnt at the university, that a false conclusion is an error in argument, not a breach of veracity. Your folicitations, I doubt not, were renewed under another administration. Admitting the fact, I fear an indifferent person would only infer from it, that experience had made you acquainted with the benefits of complaining. Remember, Sir, that you have yourfelf confessed, that, considering the critical situation of this country, the ministry are in the right to temporife with Spain. This confession reduces you to an unfortunate dilemma. By renewing your folicitations, you must either mean to force your country into a war at a most unseasonable juncture; or, having no view or expectation of that kind, that you look for nothing but a private compensation to yourself.

As to me, it is by no means necessary that I should be exposed to the resentment of the worst and the most powerful men in this country, tho' I may be indifferent about your's. Though you would fight, there are others who would affassi-

nate.

But after all, Sir, where is the injury? You affure me, that my logic is puerile and tinfel, that it carries not the least weight or conviction, that my premises are false and my conclusions absurd. If this be a just description of me, how is it possible for such a writer to disturb your peace of mind, or to injure a character so well established as your's? Take care, Sir William, how you indulge this unruly temper, lest the world should suspect

fuspect that conscience has some share in your reafentments. You have more to sear from the treachery of your own passions, than from any malevolence of mine.

I believe, Sir, you will never know me. A confiderable time must certainly elapse before we are personally acquainted. You need not, however, regret the delay, or suffer an apprehension that any length of time can restore you to the Christian meekness of your temper, and disappoint your present indignation. If I understand your character, there is in your own breast a repository, in which your resentments may be safely laid up for suture occasions, and preserved without the hazard of diminution. The Odia in longum jaciens, qua reconderet, auctaque promeret, I thought had only belonged to the worst character of antiquity. The text is in Tacitus;—you know best where to look for the commentary.

I UNIUS.

LETTER XXVI.

A WORD AT PARTING TO JUNIUS.

*SIR, Oct. 7. 1769.

AS you have not favoured me with either of the explanations demanded of you, I can have nothing more to fay to you upon my own account.

Measures and not men is the common cant of affected moderation;—a base, counterfeit language, fabricated by knaves, and made current among sools. Such gentle censure is not sitted to the present degenerate state of society. What does it avail to expose the absurd contrivance or pernicious tendency of measures, if the man who advises or executes shall be suffered not only to escape with impunity, but even to preserve his power, and insult us with the savour of his Sovereign! I would recommend to the reader the whole of Mr Pope's letter to Dostor Arbuthnot, dated July 26.
1734, from which the following is an extract. "To reform and not to chastise, I am afraid is impossible; and that the best presections, as well as the best laws, would prove of small use, if there were no examples to enforce them. To attack vices in the abstract, without touching persons, may be safe fighting indeed,

Your mercy to me, or tenderness for yourself, has been very great. The public will judge of your motives. If your excess of modesty forbids you to produce either the proofs, or yourself, I will excuse it. Take courage; I have not the temper of Tiberius, any more than the rank or power. You, indeed, are a tyrant of another fort; and upon your political bed of torture can excruciate any subject, from a first minister down to such a grub or butterfly as myself; like another detested tyrant of antiquity, can make the wretched fufferer fit the bed, if the bed will not fit the fufferer, by disjointing or tearing the trembling limbs until they are stretched to its extremity. But courage, constancy, and patience, under torments, have fometimes caused the most hardened monsters to relent, and forgive the object of their cruelty. You, Sir, are determined to try all that human nature can endure, until she expires : else, was it possible that you could be the author of that most inhuman letter to the Duke of Bedford, I have read with aftonishment and horror? Where, Sir, where were the feelings of your own heart, when you could upbraid a most affectionate father with the loss of his only and most amiable son? Read over again those cruel lines of yours, and let them wring your very foul! Cannot political queftions be discussed without descending to the most odious personalities? Must you go wantonly out of your way to torment declining age, because the Duke of Bedford may have quarrelled with those whose cause and politics you espouse? For shame! for shame! As you have spoke daggers to him, you may justly dread the u/e of them against your own breaft, did a want of courage, or of noble fentiments, stimulate him to fuch mean revenge. He

[&]quot; but it is fighting with shadows. My greatest comfort and encouragement to proceed has been to see, that those who have no
shame, and not sear of any thing else, have appeared touched
by my satires."

is above it; he is brave. Do you fancy that your own base arts have insected our whole island? But your own reflections, your own conscience, must and will, if you have any spark of humanity remaining, give him most ample vengeance. Not all the power of words with which you are fo graced, will ever wash out, or even palliate, this foul blot in your character. I have not time at present to diffect your letter so minutely as I could wish; but I will be bold enough to fay, that it is (as to reason and argument) the most extraordinary piece of florid impotence that was ever imposed upon the eyes and ears of the too credulous and deluded mob. It accuses the Duke of Bedford of high treason. Upon what foundation? You tell us, " that the Duke's pecuniary character makes it " more than probable, that he could not have made " fuch facrifices at the peace, without some private compensations, that his conduct carried with it " an interior evidence, beyond all the legal proofs of a court of justice."-

My academical education, Sir, bids me tell you, that it is necessary to establish the truth of your first proposition, before you presume to draw inferences from it. First prove the avarice, before you make the rash, hasty, and most wicked conclusion. This father, Junius, whom you call avaricious, allowed that son eight thousand pounds avericious, allowed that son eight thousand pounds aver. Upon his most unfortunate death, which your usual good-nature took care to remind him of, he greatly increased the jointure of the afflicted lady his widow. Is this avarice? Is this doing

good by flealth? It is upon record.

If exact order, method, and true economy, as a master of a family; if splendor and just magnificence, without wild waste and thoughtless extravagance, may constitute the character of an avaricious man, the Duke is guilty. But for a moment let us admit that an ambassador may love

money too much; what proof do you give that he has taken any to betray his country? Is it hearfay; or the evidence of letters, or ocular; or the evidence of those concerned in this black affair? Produce your authorities to the public. It is an impudent kind of forcery, to attempt to blind us with the smoke, without convincing us that the fire has existed. You first brand him with a vice that he is free from, to render him odious and suspected. Suspicion is the foul weapon with which you make all your chief attacks; with that you stab. But shall one of the first subjects of the realm be ruined in his fame; shall even his life be in constant danger, from a charge built upon fuch fandy foundations? Must his house be befieged by lawless ruffians, his journey impeded, and even the afylum of an altar be infecure from affertions so base and false? Potent as he is, the Duke is amenable to justice; if guilty, punishable. The parliament is the high and folemn tribunal for matters of fuch great moment. To that be they submitted. But I hope also that some notice will be taken of, and some punishment inflicted upon, falle accusers; especially upon fuch, Junius, who are wilfully false. In any truth I will agree even with Junius; will agree with him that it is highly unbecoming the dignity of Peers to tamper with boroughs. Aristocracy is as fatal as democracy. Our constitution admits of neither. It loves a King, Lords, and Commons really chofen by the unbought suffrages of a free people. But if corruption only shifts hands; if the wealthy commoner gives the bribe, instead of the potent peer, is the state better served by this exchange? Is the real emancipation of the borough effected, because new parchment bonds may possibly superfede the old? To fay the truth, wherever such practices prevail, they are equally criminal to and destructive of our freedom.

The rest of your declamation is scarce worth considering, excepting for the elegance of the language. Like Hamlet in the play, you produce two pictures: you tell us, that one is not like the Duke of Bedford; then you bring a most hideous caricatura, and tell us of the resemblance; but

multum abludit imago.

All your long tedious accounts of the ministerial quarrels, and the intrigues of the cabinet, are reducible to a few short lines; and to convince you, Sir, that I do not mean to flatter any minifter, either past or present, these are my thoughts: They feem to have acted like lovers, or children; have * pouted, quarrelled, cried, kiffed, and been friends again, as the objects of defire, the ministerial rattles, have been put into their hands. But fuch proceedings are very unworthy of the gravity and dignity of a great nation. We do not want men of abilities; but we have wanted steadiness; we want unanimity: your letters, Junius, will not contribute thereto. You may one day expire by a flame of your own kindling. But it is my humble opinion, that lenity and moderation, pardon and oblivion, will disappoint the efforts of all the feditious in the land, and extinguish their wide spreading fires. I have lived with this fentiment; with this I shall die.

WILLIAM DRAPER.

LETTER XXVII.

TO THE PRINTER OF THE PUBLIC ADVER-

SIR, Oct. 13. 1769.

IF Sir William Draper's bed be a bed of torture, he has made it for himself. I shall never interrupt his repose. Having changed the subject, there

^{*} Sir William gives us a pleasant account of men, who, in his opinion at least, are the best qualified to govern an empire.

are parts of his last letter not undeserving of a reply. Leaving his private character and conduct out of the question, I shall consider him merely in the capacity of an author, whose labours certainly

do no discredit to a newspaper.

We fay, in common discourse, that a man may be his own enemy; and the frequency of the fact makes the expression intelligible. But that a man should be the bitterest enemy of his friends, implies a contradiction of a peculiar nature. There is fomething in it, which cannot be conceived without a confusion of ideas, nor expressed without a folecism in language. Sir William Draper is still that fatal friend Lord Granby found him. Yet I am ready to do justice to his generosity; if indeed it be not fomething more than generous, to be the voluntary advocate of men who think themselves injured by his affistance, and to confider nothing in the cause he adopts but the difficulty of defending it. I thought however he had been better read in the history of the human heart. than to compare or confound the tortures of the body with those of the mind. He ought to have known, though perhaps it might not be his interest to confess, that no outward tyranny can reach the mind. If conscience plays the tyrant, it would be greatly for the benefit of the world that the were more arbitrary, and far less placable. than some men find her. I ak . 30 mot var to not

But it seems I have outraged the seelings of a father's heart.—Am I indeed so injudicious? Does Sir William Draper think I would have hazarded my credit with a generous nation, by so gross a violation of the laws of humanity? Does he think I am so little acquainted with the first and noblest characteristic of Englishmen? Or how will he reconcile such folly with an understanding so full of artistice as mine? Had he been a father, he would have been but little offended with the se-

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verity of the reproach, for his mind would have been filled with the justice of it. He would have feen that I did not infult the feelings of a father. but the father who felt nothing. He would have trusted to the evidence of his own paternal heart's and boldly denied the possibility of the fact, inflead of defending it. Against whom then will his honest indignation be directed, when I affure him, that this whole town beheld the duke of Bedford's conduct, upon the death of his fon. with horror and aftonishment. Sir William Draper does himself but little honour in opposing the general fense of his country. The people are feldom wrong in their opinions, -in their fentiments they are never mistaken. There may be a vanity perhaps in a fingular way of thinking; but when a man professes a want of those feelings which do honour to the multitude, he hazards fomething infinitely more important than the chatacter of his understanding. After all, as Sir William may possibly be in earnest in his anxiety for the Duke of Bedford, I should be glad to reheve him from it. He may rest assured this worthy nobleman laughs, with equal indifference, at my reproaches, and Sir William's diffress about him. But here let it stop. Even the Duke of Bedford, infentible as he is, will confult the tranquillity of his life, in not provoking the moderation of my temper. If, from the profoundest contempt. I should ever rife into anger, he should foon find, that all I have already faid of him was lenity and compassion. I shall sound maill Will

Has confined himself to the resutation of two charges only. The rest he had not time to discuss; and indeed it would have been a laborious indectaking. To draw up a desence of such a series of enormities, would have required a life at least as long as that which has been uni-

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formly employed in the practice of them. The public opinion of the Duke of Bedford's extreme occonomy is, it feems, entirely without founda-Though not very prodigal abroad, in his own family at least he is regular and magnificent. He pays his debts, abhors a beggar, and makes a handsome provision for his son. His charity has improved upon the proverb, and ended where it began. Admitting the whole force of this fingle instance of his domestic generosity (wonderful indeed, considering the narrowness of his fortune, and the little merit of his only fon), the public may still perhaps be diffatisfied, and demand some other less equivocal proofs of his munificence. Sir William Draper should have entered boldly into the detail-of indigence relieved-of arts encouraged-of science patronized; men of learning protected, and works of genius rewarded; -in short, had there been a fingle instance, besides Mr Rigby *, of blushing merit brought forward by the duke for the fervice of the public, it should not have been omitted.

I wish it were possible to establish my inference with the same certainty, on which I believe the principle is founded. My conclusion, however, was not drawn from the principle alone. I am not so unjust as to reason from one crime to another; though I think, that, of all the vices, avarice is most apt to taint and corrupt the heart. I combined the known temper of the man with the extravagant concessions made by the ambassador; and though I doubt not sufficient care was taken to leave no document of any treasonable negociation, I still maintain that the conduct † of this M 2 mini-

This gentleman is supposed to have the same idea of blushing, that a man blind from his birth has of scarlet or sky-blue.

[†] If Sir W. D. will take the trouble of looking into Torcy's Memoirs, he will see with what little ceremony a bribe may be offered to a Duke, and with what little ceremony it was only not accepted.

minister carries with it an internal and convincing evidence against him. Sir William Draper seems not to know the value or force of fuch a proof. He will not permit us to judge of the motives of men, by the manifest tendency of their actions, nor by the notorious character of their minds. He calls for papers and witnesses, with a triumphant fecurity; as if nothing could be true, but what could be proved in a court of justice. Yet a religious man might have remembered, upon what foundation some truths, most interesting to mankind, have been received and established. If it were not for the internal evidence, which the purest of religions carries with it, what would have become of his once well-quoted decalogue, and of the meekness of his Christianity?

The generous warmth of his refentment makes him confound the order of events. He forgets that the infults and diffresses which the Duke of Bedford has fuffered, and which Sir William has lamented with many delicate touches of the true pathetic, were only recorded in my letter to his Grace, not occasioned by it. It was a simple, candid narrative of facts; though, for aught I know, it may carry with it fomething prophetic. His Grace undoubtedly has received feveral ominous hints; and I think, in certain circumstances, a wife man would do well to prepare himself for the

event.

But I have a charge of a heavier nature against Sir William Draper. He tells us that the Duke of Bedford is amenable to justice; that parliament is a high and folemn tribunal; and that, if guilty, he may be punished by due course of law: and all this he fays with as much gravity as if he believed one word of the matter. I hope, indeed, the day of impeachments will arrive, before this nobleman escapes out of life; -but to refer us to that mode of proceeding now, with fuch a miniftry,

stry, and such a house of commons as the present, what is it, but an indecent mockery of the common sense of the nation? I think he might have contented himself with defending the greatest enemy, without insulting the distresses, of his country.

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His concluding declaration of his opinion, with respect to the present condition of affairs, is too loose and undetermined to be of any service to the public. How strange is it that this gentleman should dedicate so much time and argument to the desence of worthless or indifferent characters, while he gives but seven solitary lines to the only subject which can deserve his attention, or do credit to his abilities.

J. U. N. I. U. S.,

LETTER XXVIII.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR, OCT. 20. 1760. I VERY fincerely applaud the spirit with which a lady has paid the debt of gratitude to her benefactor. Though I think the has mistaken the point, the shows a virtue which makes her respectable. The question turned upon the personal generofity or avarice of a man, whose private fortune is immense. The proofs of his munificence must be drawn from the uses to which he has applied that fortune. I was not speaking of a Lord Lieutenant of Ireland, but of a rich English: duke, whose wealth gave him the means of doing as much good in this country, as he derived from his power in another. I am far from wishing to leffen the merit of this fingle benevolent action; -perhaps it is the more conspicuous from standing alone. All I mean to fay is, that it proves. nothing in the present argument. JUNIUS.

LETTER XXIX.

ADDRESSED TO THE PRINTER OF THE PUBLIC ADVERTISER.

S I R, Oct. 19. 1769. I AM well affured that Junius will never descend to a dispute with such a writer as Modestus (whose letter appeared in the Gazetteer of Monday) especially as the dispute must be chiefly about words. Notwithstanding the partiality of the Public, it does not appear that Junius values himself upon any fuperior skill in composition, and I hope his time will always be more usefully employed than in the trifling refinements of verbal criticism. Modestus, however, shall have no reason to triumph in the silence and moderation of Junius. If he knew as much of the propriety of language, as I believe he does of the facts in question, he would have been as cautious of attacking Junius upon his composition, as he feems to be of entering into the subject of it; yet after all, the last is the only article of any importance to the public.

I do not wonder at the unremitted rancour with which the Duke of Bedford and his adherents invariably speak of a nation, which we well know has been too much injured to be easily forgiven. But why must Junius be an Irishman?—The absurdity of his writings betrays him.—Waving all consideration of the insult offered by Modestus to the declared judgment of the people (they may well bear this among the rest), let us follow the several instances, and try whether the charge be fairly sup-

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First then—The leaving a man to enjoy such repose as he can find upon a bed of torture, is severe indeed; perhaps too much so, when applied to such a trifler as Sir William Draper; but there is nothing nothing absurd either in the idea or expression. Modestus cannot distinguish between a sarcasm and a contradiction.

of the fact, which alone can make us comprehend how a man can be his own enemy. We should never arrive at the complex idea conveyed by those words, if we had only seen one or two instances of a man acting to his own prejudice. Offer the proposition to a child, or a man unused to compound his ideas, and you will soon see how little either of them understand you. It is not a simple idea arising from a single fact; but a very complex idea arising from many facts well observed, and ac-

curately compared.

3. Modestus could not, without great affectation, mistake the meaning of Junius when he speaks of a man who is the bitterest enemy of his friends. He could not but know, that Junius spoke, not of a false or hollow friendship, but of a real intention to ferve, and that intention producing the worst effects of enmity. Whether the description be strictly applicable to Sir William Draper, is another question. Junius does not say that it is more criminal for a man to be the enemy of his friends than his own, though he might have affirmed it with truth. In a moral light, a man may certainly take greater liberties with himself than with another. To facrifice ourselves merely is a weakness we may indulge in, if we think proper, for we do it at our own hazard and expence: but, under the pretence of friendship, to sport with the reputation, or facrifice the honour, of another, is fomething worfe than weakness; and if, in favour of the foolish intention, we do not call it a crime, we must allow at least that it arises from an overweening, busy, meddling impudence.—Junius says only, and he fays truly, that it is more extraordinary, that it involves a greater contradiction, than the 150004

other; and is it not a maxim received in life, that in general we can determine more wifely for others than for ourselves? The reason of it is so clear in argument, that it hardly wants the confirmation of experience. Sir William Draper, I confess, is an exception to the general rule, though not much to his credit.

4. If this gentleman will go back to his Ethicks, he may perhaps discover the truth of what Junius says, that no outward tyranny can reach the mind. The tortures of the body may be introduced by way of ornament or illustration to represent those of the mind, but strictly there is no similitude between them. They are totally different both in their cause and operation. The wretch who suffers upon the rack, is merely passive; but when the mind is tortured, it is not at the command of any outward power. It is the sense of guilt which constitutes the punishment, and creates that torture with which the guilty mind acts upon itself.

3. He misquotes what Junius says of conscience; and makes the sentence ridiculous, by making it:

his own.

So much for composition. Now for fact. Junius, it seems, has mistaken the duke of Bedford. His Grace had all the proper feelings of a father, though he took care to suppress the appearance of them. Yet it was an occasion, one would think, on which he need not have been ashamed of his grief; on which less fortitude would have done him more honour. I can conceive indeed a benevolent motive for his endeavouring to affume an air of tranquillity in his own family; and I wish I could discover any thing, in the rest of his character, to justify my affigning that motive to his behaviour. But is there no medium? Was it necesfary to appear abroad, to ballot at the India-house, and make a public display, tho' it were only of an . apparent infensibility? - I know we are treading on . tender

tender ground, and Junius, I am convinced, does not wish to argue this question farther. Let the friends of the Duke of Bedford observe that humble silence, which becomes their situation. They should recollect that there are still some facts in store, at which human nature would shudder. I shall be understood by those whom it concerns, when I say that these facts go farther than to the Duke *.

It is not inconsistent to suppose that a man may be quite indifferent about one part of a charge, yet severely stung with another; and though he seels no remorfe, that he may wish to be revenged. The charge of insensibility carries a reproach indeed, but no danger with it.— Junius had said, there are others who would assassinate. Modestus, knowing his man, will not suffer the insinuation to be divided, but fixes it all upon the Duke of Bedford.

Without determining upon what evidence Junius would choose to be condemned, I will venture to maintain, in opposition to Modestus, or to Mr Rigby (who is certainly not Modestus), or any other of the Bloomsbury gang, that the evidence against the Duke of Bedford is as strong as any presumptive evidence can be. It depends upon a combination of facts and reasoning, which require no consirmation from the anecdote of the Duke of Marlborough.

Within a fortnight after Lord Tavistock's death, the venerable Gertrude had a route at Bedford-house. The good Duke (who had only sixty thousand pounds a year) ordered an inventory to be taken of his son's wearing apparel, down to his slippers, sold them all, and put the money in his pocket. The amiable Marchioness, shocked at such brutal, unscelling avarice, gave the value of the cloaths to the Marquis's servant, out of her own purse. That incomparable woman did not long survive her husband. When she died, the Duchess of Bedford treated her as the Duke had treated his only son. She ordered every gown and trinket to be fold, and pocketed the money.—These are the monsters whom Sir William Draper comes forward to defend—May God protest me from doing any thing that may require such defence, or to deserve such friendship!

borough. This anecdote was referred to merely to show how ready a great man may be to receive a great bribe; and if *Modestus* could read the original, he would see that the expression, only not accepted, was probably the only one in our language that exactly sitted the case: The bribe, offered to the Duke of Marlborough, was not refused.

I cannot conclude without taking notice of this honest gentleman's learning, and wishing he had given us a little more of it. When he accidentally found himself so near speaking truth, it was rather unfair of him to leave out the non potuisse refelli. As it stands, the pudet hac opprobria may be divided equally between Mr Rigby and the Duke of Bedford. Mr Rigby, I take for granted, will affert his natural right to the modesty of the quotation, and leave all the opprobrium to his Grace.

PHILO JUNIUS.

LETTER XXX.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR. Ост. 17. 1769. T is not wonderful that the great cause, in which this country is engaged, should have roused and engroffed the whole attention of the people. I rather admire the generous spirit with which they feel and affert their interest in this important question, than blame them for their indifference about any other. When the constitution is openly invaded, when the first original right of the people, from which all laws derive their authority, is directly attacked, inferior grievances naturally lose their force, and are suffered to pass by without punishment or observation. The present ministry are as singularly marked by their fortune, as by their crimes. Instead of atoning for their former

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former conduct by any wife or popular measure, they have found, in the enormity of one fact, a cover and defence for a feries of measures, which must have been fatal to any other administration. I fear we are too remiss in observing the whole of their proceedings. Struck with the principal figure, we do not sufficiently mark in what manner the canvass is filled up. Yet surely it is not a less crime, nor less fatal in its consequences, to encourage a flagrant breach of the law by a military force, than to make use of the forms of parliament to destroy the constitution .- The ministry feem determined to give us a choice of difficulties, and, if possible, to perplex us with the multitude of their offences. The expedient is worthy of the Duke of Grafton. But though he has preserved a gradation and variety in his measures, we should remember that the principle is uniform. Dictated by the fame spirit, they deserve the same attention. The following fact, though of the most alarming nature, has not yet been clearly stated to the public; nor have the confequences of it been sufficiently understood. Had I taken it up at an earlier period, I should have been accused of an uncandid, malignant precipitation, as if I watched for an unfair advantage against the miniftry, and would not allow them a reasonable time to do their duty. They now fland without excuse. Instead of employing the leisure they have had in a strict examination of the offence. and punishing the offenders, they feem to have confidered that indulgence as a fecurity to them : that, with a little time and management, the whole affair might be buried in filence, and utterly forgotten.

* A major-general of the army is arrested by the sheriff's officers for a considerable debt. He persuades them to conduct him to the Tilt-yard in

St James's Park, under some pretence of business. which it imported him to fettle before he was confined. He applies to a serjeant, not immediately on duty, to affift with some of his companions in favouring his escape. He attempts it. A bustle ensues. The bailiffs claim their prisoner. + An officer of the guards, not then on duty, takes part in the affair, applies to the I lieutenant commanding the Tilt-yard guard, and urges him to turn out his guard to relieve a general officer. The lieutenant declines interfering in person; but stands at a distance, and suffers the business to be done. The officer takes upon himself to order out the guard. In a moment they are in arms, quit their guard, march, rescue the general, and drive away the sheriff's officers; who in vain represent their right to the prisoner, and the nature of the arrest. The foldiers first conduct the general into the guard-room, then escort him to a place of fafety, with bayonets fixed, and in all the forms of military triumph. I will not enlarge upon the various circumstances which attended this atrocious proceeding. The personal injury received by the officers of the law in the execution of their duty, may perhaps be atoned for by fome private compensation. I consider nothing but the wound which has been given to the law itself, to which no remedy has been applied, no fatisfaction made. Neither is it my defign to dwell upon the misconduct of the parties concerned, any farther than is necessary to show the behaviour of the ministry in its true light. I would make every compassionate allowance for the infatuation of the prisoner, the false and criminal discretion of one officer, and the madness of another. I would leave the ignorant foldiers entirely out of the question. They are certainly the least guilty, though they are the only persons who have yet suffered, even

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even in the appearance of punishment *. The fact itself, however atrocious, is not the principal point to be considered. It might have happened under a more regular government, and with guards better disciplined than ours. The main question is. In what manner have the ministry acted on this extraordinary occasion? A general officer calls upon the king's own guard, then actually on duty, to rescue him from the laws of his country; yet at this moment he is in a fituation no worfe, than if he had not committed an offence, equally enormous in a civil and military view .-A lieutenant upon duty designedly quits his guard. and fuffers it to be drawn out by another officer, for a purpose which he well knew (as we may collect from an appearance of caution, which only makes his behaviour the more criminal) to be in the highest degree illegal. Has this gentleman been called to a court-martial to answer for his conduct? No. Has it been censured? No. Has it been in any shape inquired into? No .- Another lieutenant, not upon duty, nor even in his regimentals, is daring enough to order out the king's guard, over which he had properly no command. and engages them in a violation of the laws of his country, perhaps the most fingular and extravagant that ever was attempted .- What punishment has he suffered? Literally none. Supposing he should be prosecuted at common law for the rescue, will that circumstance, from which the ministry can derive no merit, excuse or justify their fuffering fo flagrant a breach of military discipline to pass by unpunished and unnoticed? Are they aware of the outrage offered to their fovereign, when his own proper guard is ordered out to stop by main force the execution of his laws? What are we to conclude from fo fcandalous a neglect of their duty, but that they have other views which - DORES CINC-

^{*} A few of them were confined.

which can only be answered by securing the attachment of the guards? The minister would hardly be so cautious of offending them, if he did not mean, in due time, to call for their assistance.

With respect to the parties themselves, let it be observed, that these gentlemen are neither young officers, nor very young men. Had they belonged to the unfledged race of enfigns, who infest our streets, and dishonour our public places, it might perhaps be fufficient to fend them back to that discipline, from which their parents, judging lightly from the maturity of their vices, had removed them too foon. In this case, I am forry. to fee, not fo much the folly of youth, as the fpirit of the corps, and the connivance of government. I do not question that there are many brave and worthy officers in the regiments of guards. But commering them as a corps, I fear. it will be found that they are neither good foldiers, nor good subjects. Far be it from me to infinuate the most distant reflection upon the army. On the contrary, I honour and efteem the profession; and if these gentlemen were better foldiers, I am fore they would be better fubjects. It is not that there is any internal vice or defect in the profesfion itself as regulated in this country, but that it is the fpirit of this particular corps to despile their profession; and that, while they vainly affume the lead of the army, they make it matter of impertinent comparison, and triumph over the bravest troops in the world (I mean our marching regiments), that they indeed stand upon higher ground, and are privileged to neglect the laborious forms of military discipline and duty. Without dwelling longer upon a most invidious subject, I shall leave it to military men, who have feen a fervice more active than the parade, to determine whether or no I speak truth.

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raged by government, and to what pernicious purposes it may be applied hereafter, well deserves our most serious consideration. I know, indeed, that when this affair happened, an affectation of alarm ran through the ministry. Something must be done to fave appearances. The case was too flagrant to be paffed by absolutely without notice. But how have they acted? Instead of ordering the officers concerned, (and who, ftrictly speaking, are alone guilty,) to be put under arrest, and brought to trial, they would have it understood, that they did their duty completely, in confining a serjeant and four private soldiers, until they should be demanded by the civil power; so that while the officers, who ordered or permitted the thing to be done, escape without censure, the poor men who obeyed those orders, who in a military view are no way responsible for what they did, and who for that reason have been discharged by the civil magistrates, are the only objects whom the ministry have thought proper to expose to pu-They did not venture to bring even nishment. these men to a court-martial, because they knew their evidence would be fatal to some persons, whom they were determined to protect. Otherwife, I doubt not, the lives of these unhappy, friendless foldiers, would long fince have been facrificed without scruple to the security of their guilty officers.

I have been accused of endeavouring to inflame the passions of the people.—Let me now appeal to their understanding. If there be any tool of administration daring enough to deny these facts, or shameless enough to defend the conduct of the ministry, let him come forward. I care not under what title he appears. He shall find me ready to maintain the truth of my narrative, and the justice of my observations upon it, at the hazard

of my utmost credit with the public.

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- Under the most arbitrary governments, the common administration of justice is suffered to take its courfe. The subject, though robbed of his share in the legislature, is still protected by the laws. The political freedom of the English constitution was once the pride and honour of an Englishman. The civil equality of the laws preferved the property, and defended the fafety, of the subject. Are these glorious privileges the birthright of the people, or are we only tenants at the will of the ministry?-But that I know there is a spirit of resistance in the hearts of my countrymen; that they value life, not by its conveniencies, but by the independence and dignity of their condition; I should, at this moment, appeal only to their discretion. I should persuade them to banish from their minds all memory of what we were; I should tell them this is not a time to remember that we were Englishmen; and give it as my last advice, to make some early agreement with the minister, that, since it has pleased him to rob us of those political rights which once distinguished the inhabitants of a country where honour was happiness, he would leave us at least the humble obedient security of citizens, and graciously condescend to protect us in our submission. IUNIUS.

LETTER XXXI.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

THE variety of remarks which have been made upon the last letter of Junius, and my own opinion of the writer, who, whatever may be his faults, is certainly not a weak man, have induced me to examine, with some attention, the subject of that letter. I could not persuade myself, that, while

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while he had plenty of important materials, he would have taken up a light or triffing occasion to attack the ministry; much less could I conceive that it was his intention to ruin the officers concerned in the rescue of General Gansel, or to injure the General himself. These are little obiects, and can no way contribute to the great purposes he seems to have in view by addressing himfelf to the public. Without considering the ornamented ftyle he has adopted, I determined to look farther into the matter, before I decided upon the merits of his letter. The first step I took was to inquire into the truth of the facts; for if these were either false or misrepresented, the most. artful exertion of his understanding, in reasoning upon them, would only be a diffrace to him .-Now, Sir, I have found every circumstance stated by Junius to be literally true. General Ganfel persuaded the bailiffs to conduct him to the parade. and certainly folicited a corporal and other foldiers. to affift him in making his escape. Captain Dodd did certainly apply to Captain Garth for the affiftance of his guard. Captain Garth declined appearing himself, but stood aloof, while the other took upon him to order out the King's guard, and by main force rescued the General. It is also strictly true, that the General was escorted by a file of musqueteers to a place of security. - These are facts, Mr Woodfall, which I promise you no gentleman in the guards will deny. If all or any of them are false, why are they not contradicted by the parties themselves? However secure against military censure, they have yet a character to lose; and furely, if they are innocent, it is not beneath. them to pay some attention to the opinion of the public.

The force of Junius's observations upon these facts cannot be better marked, than by stating and resuting the objections which have been made

to them. One writer fays, " Admitting the of-" ficers have offended, they are punishable at com-" mon law, and will you have a British subject " punished twice for the same offence?"-I anfwer, that they have committed two offences, both very enormous, and violated two laws. The refcue is one offence, the flagrant breach of discipline another; and hitherto it does not appear that they have been punished, or even censured, for either. Another gentleman lays much stress upon the calamity of the case; and instead of disproving facts. appeals at once to the compassion of the public. This idea, as well as the infinuation that depriving the parties of their commissions would be an injury to their creditors, can only refer to General Ganfel. The other officers are in no distress, therefore have no claim to compassion; nor does it appear, that their creditors, if they have any, are more likely to be fatisfied by their continuing in the guards. But this fort of plea will not hold in any shape. Compassion to an offender, who has grossly violated the laws, is in effect a cruelty to the peaceable subject who has observed them; and, even admitting the force of any alleviating circumstances, it is nevertheless true, that, in this instance, the royal compassion has interposed too foon. The legal and proper mercy of a King of England may remit the punishment, but ought not to stop the trial.

Besides these particular objections, there has been a cry raised against Junius for his malice and injustice in attacking the ministry upon an event which they could neither hinder nor foresee. This, I must assimply is a false representation of his argument. He lays no stress upon the event itself as a ground of accusation against the ministry, but dwells entirely upon their subsequent conduct. He does not say that they are answerable for the offence; but for the scandalous neglect of their

duty,

duty, in fuffering an offence, fo flagrant, to pass by without notice or inquiry. Supposing them ever fo regardless of what they owe to the public, and as indifferent about the opinion as they are about the interests of their country, what answer, as officers of the crown, will they give to Junius, when he asks them, Are they aware of the outrage offered to their Sovereign, when his own proper guard is ordered out to stop by main force the execution of his laws?-And when we fee a ministry giving fuch a strange unaccountable protection to the officers of the guards, is it unfair to suspect, that they have some secret and unwarrantable motives for their conduct? If they feel themselves injured by fuch a fuspicion, why do they not immediately clear themselvs from it, by doing their duty? For the honour of the guards, I cannot help expressing another suspicion, that, if the commanding officer had not received a fecret injunction to the contrary, he would, in the ordinary course of his business, have applied for a court-martial to try the two fubalterns; the one for quitting his guard; the other for taking upon him the command of the guard; and employing it in the manner he did. I do not mean to enter into or defend the feverity with which Junius treats the guards. On the contrary, I will suppose, for a moment, that they deferve a very different character. If this be true, in what light will they confider the conduct of two subalterns, but as a general reproach and disgrace to the whole corps? And will they not wish to fee them censured in a military way, if it were only for the credit and discipline of the regiment.

Upon the whole, Sir, the ministry seem to me to have taken a very improper advantage of the good-nature of the public, whose humanity, they found, considered nothing in this affair, but the distress of General Gansel. They would persuade us, that it was only a common rescue by a few dis-

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orderly foldiers, and not the formal deliberate act of the king's guard headed by an officer; and the public has fallen into the deception. I think, therefore, we are obliged to Junius for the care he has taken to inquire into the facts, and for the just commentary with which he has given them to the world .- For my own part, I am as unwilling as any man to load the unfortunate; but, really, Sir, the precedent, with respect to the guards, is of a most important nature, and alarming enough (confidering the confequences with which it may be attended) to deserve a parliamentary inquiry: when the guards are daring enough, not only to violate their own discipline, but publicly and with the most atrocious violence to stop the execution of the laws, and when fuch extraordinary offences pass with impunity, believe me, Sir, the precedent ftrikes deep. PHILO JUNIUS.

LETTER XXXII

TO THE PRINTER OF THE PUBLIC ADVER-

TADMIT the claim of a gentleman who publishes in the Gazetteer under the name of Modestus. He has some right to expect an answer from me; though, I think, not so much from the merit or importance of his objections, as from my own voluntary engagement. I had a reason for not taking notice of him sooner, which, as he is a candid person, I believe he will think sufficient. In my first letter, I took for granted, from the time which had elapsed, that there was no intention to censure, nor even to try, the persons concerned in the rescue of General Gansel; but Modestus having since either affirmed, or strongly insinuated, that the offenders

fenders might still be brought to a legal trial, any attempt to prejudge the cause, or to prejudice the minds of a jury or a court-martial would be

highly improper.

A man, more hostile to the ministry than I am, would not so often remind them of their duty. If the Duke of Grafton will not perform the duty of his station, why is he minister?—I will not descend to a scurrilous altercation with any man; but this is a subject too important to be passed over with silent indifference. If the gentlemen, whose conduct is in question, are not brought to a trial, the Duke of Grafton shall hear from me again.

The motives on which I am supposed to have taken up this cause, are of little importance, compared with the sacts themselves, and the observations I have made upon them. Without a vain profession of integrity, which in these times might justly be suspected, I shall show myself in effect a friend to the interests of my countrymen, and leave it to them to determine, whether I am moved by a personal malevolence to three private gentlemen, or merely by a hope of perplexing the ministry; or whether I am animated by a just and honourable purpose of obtaining a satisfaction to the laws of this country, equal, if possible, to the violation they have suffered.

JUNIUS.

LETTER XXXIII.

TO HIS GRACE THE DUKE OF GRAFTON.

My Lord,

Though my opinion of your Grace's integrity
was but little affected by the coyness with
which you received Mr Vaughan's proposals, I
confess I give you some credit for your discretion.
You had a fair opportunity of displaying a certain
delicacy, of which you had not been suspected;

and you were in the right to make use of it. By laying in a moderate stock of reputation, you undoubtedly meant to provide for the suture necessities of your character, that, with an honourable resistance upon record, you may safely indulge your genius, and yield to a favourite inclination with security. But you have discovered your purposes too soon; and, instead of the modest reserve of virtue, have shown us the termagant chastity of a prude, who gratisties her passions with distinction, and presecutes one lover for a rape, while she so-

licits the lewd embraces of another.

Your cheek turns pale; for a guilty conscience tells you, you are undone .- Come forward, thou virtuous minister, and tell the world by what interest Mr Hine has been recommended to so extraordinary a mark of his Majesty's favour; what was the price of the patent he has bought, and to what honourable purpose the purchase-money has been applied. Nothing less than many thousands could pay Colonel Burgoyne's expences at Preston. Doyou dare to profecute such a creature as Vaughan, while you are basely setting up the Royal Patronage to auction? Do you dare to complain of an attack upon your own honour, while you are felling the favours of the Crown, to raife a fund for corrupting the morals of the people? And, do you think it is possible such enormities should escape without impeachment? It is indeed highly your interest to maintain the present house of commons. Having fold the nation to you in grofs, they will undoubtedly protect you in the detail; for while they patronize your crimes, they feel for their own. TUNIUS.

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LETTER XXXIV.

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TO HIS GRACE THE DUKE OF GRAFTON.

My Lord. DEC. 12. 1769. I FIND with some surprise, that you are not supported as you deserve. Your most determined advocates have scruples about them, which you are unaquainted with; and though there be nothing too hazardous for your Grace to engage in, there are some things too infamous for the vilest prostitute of a news-paper to defend *. In what other manner shall we account for the profound, Submissive silence, which you and your friends have observed upon a charge, which called immediately for the clearest refutation, and would have justified the severest measures of resentment? I did not attempt to blaft your character by an indirect, ambiguous infinuation; but candidly stated to you a plain fact, which struck directly at the integrity of a privy-counfellor, of a first commissioner of the treasury, and of a leading minister, who is supposed to enjoy the first share in his Majesty's confidence +. In every one of these capacities, I employed the most modeaate terms to charge you with treachery to your Sovereign, and breach of trust in your office. I accused you of having fold a patent place in the collection of the customs at Exeter, to one Mr Hine, who, unable or unwilling to deposit the whole purchase-money himself, raised part of it by contribution, and has now a certain Doctor Brooke quartered upon the falary for one hundred pounds a year. - No fale by the candle was ever conducted with greater formality.- I affirm, that the price at which

And by the same means preserves it to this hour.

From the publication of the preceding to this date, not one word was faid in defence of the infamous Duke of Grafton. But vice and impudence foon recovered themselves, and the sale of the royal favour was openly avowed and defended. We acknowledge the piety of St James's; but what is become of his morality?

which the place was knocked down (and which, I have good reason to think, was not less than three thousand five hundred pounds) was, with your connivance and consent, paid to Colonel Burgoyne, to reward him, I presume, for the decency of his deportment at Preston; or to reimburse him, perhaps, for the fine of one thousand pounds, which, for that very deportment, the court of King's Bench thought proper to set upon him.—It is not often that the chief justice and the prime minister are so strangely at variance in their opinions of men

and things. hastob or more even a lo straillote

I thank God, there is not in human nature a degree of impudence daring enough to deny the charge I have fixed upon you. Your courteous fecretary *, your confidential architect +, are filent as the grave. Even Mr Rigby's countenance fails him. He violates his fecond nature, and blushes whenever he speaks of you.-Perhaps the noble colonel himself will relieve you. No man is more tender of his reputation. He is not only nice, but perfectly fore in every thing that touches his honour. If any man, for example, were to accuse him of taking his stand at a gaming-table, and watching, with the foberest attention, for a fair opportunity of engaging a drunken young nobleman at piquet, he would undoubtedly consider it as an infamous afpersion upon his character, and resent it like a man of honour.-Accquitting him therefore of drawing a regular and splendid subsistence from any unworthy practices either in his own house or elsewhere, let me alk your Grace, for what military merits you have been pleased to reward him with military government? He had a regiment of dragoons, which one would imagine was at least an equivalent for any services he ever performed. Besides, he is but a young officer consi-

* Tommy Bradshaw.

[†] Mr Taylor. He and George Rofs (the Scotch agent and worthy confidant of Lord Mansfield) managed the business.

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dering his preferment, and except in his activity at Preston, not very conspicuous in his profession. But it feems the fale of a civil employment was not fufficient; and military governments, which were intended for the support of worn-out veterans. must be thrown into the scale, to defray the extensive bribery of a contested election. Are these the fleps you take to secure to your Sovereign the attachment of his army? With what countenance dare you appear in the royal presence, branded as you are with the infamy of a notorious breach of trust? With what countenance can you take your feat at the treasury-board or in council, when you feel that every circulating whisper is at your expence alone, and stabs you to the heart? Have you a fingle friend in parliament so shameless, so thoroughly abandoned, as to undertake your defence? You know, my Lord, that there is not a man in either house, whose character, however flagitious, would not be ruined by mixing his reputation with your's; and does not your heart inform you. that you are degraded below the condition of a man. when you are obliged to hear these insults with fubmission, and even to thank me for my moderation?

We are told, by the highest judicial authority, that Mr Vaughan's offer to purchase the reversion of a patent place in Jamaica (which he was otherwise sufficiently entitled to) amounted to a high misseemeanour. Be it so: and if he deserves it, let him be punished. But the learned judge might have had a fairer opportunity of displaying the powers of his eloquence. Having delivered himself with so much energyupon the criminal nature and dangerous consequences of any attempt to corrupt a man in your Grace's station, what would he have said to the minister himself, to that very privy counsellor, to that first commissioner of the treasury, who does not wait for, but impatiently solicits the touch of corruption;

corruption; who employs the meanest of his creatures in these honourable services, and, forgetting the genius and sidelity of his secretary, descends to apply to his house-builder for assistance?

This affair, my Lord, will do infinite credit to government, if, to clear your character, you should think proper to bring it into the house of Lords, or into the court of King's Bench.—But, my Lord, you dare not do either.

JUNIUS.

A little before the publication of this and the preceeding letter, the chafte Duke of Grafton had commenced a perfecution against Mr Samuel Vaughan, for endeavouring to corrupt his integrity by an offer of five thousand pounds for a patent place in Jamaica. A rule to show cause why an information should not be exhibited against Vaughan for certain misdemeanours being granted by the Court of King's Bench, the matter was folemnly argued on the 27th of November 1769, and, by the unanimous opinion of the four judges, the rule was made absolute. The pleadings and speeches were accurately taken in thort hand and published. The whole of Lord Mansfield's speech, and particularly the following extracts from it, deserve the reader's attention. "A practice of the kind complained of here is certainly dishonourable and scandalous. " If a man, flanding under the relation of an officer under the King, or of a person in whom the King puts confidence, or of a minise ster, takes money for the use of that considence the King puts in " him, he basely betrays the King, -he basely betrays his trust. " --- If the King fold the office, it would be acting contrary to the trust the constitution hath reposed in him. The constitution does norintend the crown should fell those offices, to raise a revenue out of them. -- Is it possible to hesitate, whether this would not be criminal in the Duke of Grafton—contrary to his duty as a privy counsellor—contrary to his duty as a minister—contrary to his duty as a fubject?—His advice should be free ** according to his judgement—It is the duty of his office;—
** he hath fworn to it."—Notwithstanding all this, the chaste Duke of Grafton certainly fold a patent place to Mr Hine for three thousand five hundred pounds; and, for so doing, is now Lord Privy Seal to the chafte Gorge, with whose piety we are perpetually deafened. If the house of commons had done their duty, and impeached the black Duke for this most infamous breach of trust, how wofully must poor, honest Mansfield have been puzzled! His embarraffment would have afforded the most ridiculous scene that ever was exhibited. To fave the worthy judge from this perplexity, and the no less worthy Duke from impeachment, the profecution agand Vaughan was immediately dropped upon my discovery and publication of the Duke's treachery. The fuffering this charge to pass, without any inquiry, fixes thameless prostitution upon the face of the house of commons, more frongly than even the Middlesex election. - Yet the licentiousness of the press is complained of!

LETTER XXXV.

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TO THE PRINTER OF THE PUBLIC ADVER-TISER.

DEC. 19. 1769. When the complaints of a brave and powerful people are observed to increase in proportion to the wrongs they have suffered; when, instead of finking into fubmission, they are roused to refistance; the time will soon arrive at which every inferior confideration must yield to the security of the Sovereign, and to the general fafety of the state. There is a moment of difficulty and danger, at which flattery and falshood can no longer deceive, and simplicity itself can no longer be misled. Let us suppose it arrived. Let us fuppose a gracious, well-intentioned prince made sensible at last of the great duty he owes to his people, and of his own difgraceful fituation; that he looks round him for affistance, and asks for no advice but how to gratify the wishes and secure the happiness of his subjects. In these circumstances, it may be matter of curious speculation to confider, if an honest man were permitted to approach a King, in what terms he would address himself to his Sovereign. Let it be imagined, no matter how improbable, that the first prejudice against his character is removed, that the ceremonious difficulties of an audience are furmounted, that he feels himself animated by the purest and most honourable affections to his King and country, and that the great person whom he addresses has spirit enough to bid him speak freely, and understanding enough to listen to him with attention. Unacquainted with the vain impertinence of forms, he would deliver his fentiments with dignity and firmness, but not without respect. O 2 SIR SIR,

TT is the misfortune of your life, and originally the cause of every reproach and distress which has attended your government, that you should never have been acquainted with the language of truth, until you heard it in the complaints of your people. It is not, however, too late to correct the error of your education. We are still inclined to make an indulgent allowance for the pernicious lessons you received in your youth, and to form the most sanguine hopes from the natural benevolence of your disposition*. We are far from thinking you capable of a direct, deliberate purpose to invade those original rights of your subjects, on which all their civil and political liberties depend. Had it been possible for us to entertain a suspicion fo dishonourable to your character, we should long fince have adopted a stile of remonstrance very distant from the humility of complaint. The doctrine inculcated by our laws, That the King can do no wrong, is admitted without reluctance. We **feparate**

[.] The plan of tutelage and future dominion over the heir apparent, laid many years ago at Carlton house between the Princess Dowager and her favourite the Earl of Bute, was as grofs and palpable, as that, which was concerted between Anne of Austria and Cardinal Mazarin, to govern Lewis the Fourteenth, and in effect to prolong his minority until the end of their lives. That prince had strong natural parts, and used frequently to blush for his own ignorance and want of education, which had been wilfully neglected by his mother and her minion. A little experience however foon shewed him how shamefully he had been treated, and for what infamous purposes he had been kept in ignorance. Our great Edward too, at an early period, bad sense enough to understand the nature of the connection between his abandoned mother and the detested Mortimer. But, fince that time, human nature, we may observe, is greatly altered for the better. Dowagers may be chaste, and minions may be honest. When it was proposed to settle the present King's household as Prince of Wales, it is well known that the Earl of Bute was forced into it, in direct contradiction to the late King's inclination. That was the falient point, from which all the mischiefs and disgraces of the present reign took life and motion. From that moment, Lord Bute never fuffered the Prince of Wales to be an instant out of his fight .- We need not look farther.

feparate the amiable, good-natured prince from the folly and treachery of his fervants, and the private virtues of the man from the vices of hisgovernment. Were it not for this just diftinction, I know not whether your Majesty's condition, or that of the English nation, would deserve most tobe lamented. I would prepare your mind for a favourable reception of truth, by removing every painful, offentive idea of perfonal reproach. Your fubjects, Sir, wish for nothing but that, as they are reasonable and affectionate enough to separate your person from your government, so you, in your turn, should distinguish between the conduct which becomes the permanent dignity of a King, and that which ferves only to promote the temporary interest and miserable ambition of a minister.

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You ascended the throne with a declared, and, I doubt not, a fincere resolution of giving universal fatisfaction to your fubjects. You found them pleased with the novelty of a young prince, whose countenance promifed even more than his words; and loyal to you, not only from principle, but paffion. It was not a cold profession of allegiance to the first magistrate; but a partial, animated attachment to a favourite prince, the native of their country... They did not wait to examine your conduct, nor to be determined by experience; but gave you a generous credit for the future bleffings of your reign, and paid you in advance the dearest tribute of their affections. Such, Sir, was once the disposition of a people, who now surround your throne with reproaches and complaints. Do justice to yourself. Banish from your mind those unworthy opinions, with which fome interested: persons have laboured to possess you .- Distrust the men who tell you that the English are naturally light. and inconstant—that they complain without as cause. Withdraw your confidence equally from all: parties; from ministers, favourites, and relations; O 3 and

and let there be one moment in your life, in which you have confulted your own understanding.

When you affectedly renounced the name of Englishman, believe me, Sir, you were persuaded to pay a very ill judged compliment to one part of your subjects, at the expence of another. While the natives of Scotland are not in actual rebellion, they are undoubtedly intitled to protection; nor do I mean to condemn the policy of giving fome encouragement to the novelty of their affections for the house of Hanover. I am ready to hope for every thing from their new-born zeal, and from the future steadiness of their allegiance. But hitherto they have no claim to your favour. To honour them with a determined predilection and confidence, in exclusion of your English subjects, who placed your family, and in spite of treachery and rebellion have supported it upon the throne, is a mistake too gross even for the unsuspecting generofity of youth. In this error we fee a capital violation of the most obvious rules of policy and prudence. We trace it, however, to an original bias in your education, and are ready to allow for your inexperience.

To the same early influence we attribute it, that you have descended to take a share not only in the narrow views and interests of particular persons, but in the satal malignity of their passions. At your accession to the throne, the whole system of government was altered, not from wisdom or deliberation, but because it had been adopted by your predecessor. A little personal motive of pique and resentment was sufficient to remove the ablest servants of the crown*; but it is not in this country, Sir, that such men can be dishonoured by the frowns of a King. They were dismissed, but could

One of the first acts of the present reign was to dismiss Mr Legge, because he had some years before resused to yield his interest in Hampshire to a Scotchman recommended by Lord Bute. This was the reason publicly assigned by his Lordship.

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not be disgraced. Without entering into a minuter discussion of the merits of the peace, we may observe, in the imprudent hurry with which the first overtures from France were accepted, in the conduct of the negotiation and terms of the treaty, the strongest marks of that precipitate spirit of concession with which a certain part of your subjects have been at all times ready to purchase a peace with the natural enemies of this country. On your part we are satisfied that every thing was honourable and sincere; and if England was sold to France, we doubt not that your Majesty was equally betrayed. The conditions of the peace were matter of grief and surprise to your subjects, but not the immediate cause of their present discontent.

Hitherto, Sir, you had been facrificed to the prejudices and passions of others. With what firmness will you bear the mention of your own?

A man, not very honourably distinguished in the world, commences a formal attack upon your favourite, confidering nothing but how he might best expose his person and principles to detestation, and the national character of his countrymen to contempt. The natives of that country, Sir, are as much distinguished by a peculiar character, as by your Majesty's favour. Like another chosen people, they have been conducted into the land of plenty, where they find themselves effectually marked, and divided from mankind. There is hardly a period at which the most irregular character may not be redeemed. The mistakes of one fex find a retreat in patriotism, those of the other in devotion. Mr Wilkes brought with him into politics the same liberal sentiments by which his private conduct had been directed; and feemed to think, that, as there are few excesses in which an English gentleman may not be permitted to indulge, the same latitude was allowed him in the choice of his political principles, and in the spirit

of maintaining them .- I mean to state, not entirely to defend, his conduct. In the earnestness of his zeal, he suffered some unwarrantable infinuations to escape him. He faid more than moderate men would justify; but not enough to intitle him to the honour of your Majesty's personal resentment. The rays of Royal indignation, collected upon him, ferved only to illuminate, and could not consume. Animated by the favour of the people on the one fide, and heated by perfecution on the other, his views and fentiments changed with his situation. Hardly serious at first, he is now an enthusiast. The coldest bodies warm with opposition, the hardest sparkle in collision. There is a holy mistaken zeal in politics as well as religion. By perfuading others, we convince ourfelves. The passions are engaged, and create a maternal affection in the mind, which forces us to love the cause for which we suffer. - Is this a contention worthy of a King? Are you not fenfible how much the meanness of the cause gives an air of ridicule to the serious difficulties into which you have been betrayed? The destruction of one man has been now for many years the fole object of your government; and if there can be any thing still more disgraceful, we have seen, for such an object, the utmost influence of the executive power, and every ministerial artifice, exerted without success. Nor can you ever succeed, unless he should be imprudent enough to forfeit the protection of those laws to which you owe your crown, or unless your ministers should persuade you to make it a question of force alone, and try the whole strength of government in opposition to the people. The leffons he has received from experience, will probably guard him from fuch excess of folly; and in your Majesty's virtues we find an unquestionable affurance that no illegal violence will be attempted. Far:

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Far from suspecting you of so horrible a design, we would attribute the continued violation of the laws, and even this last enormous attack upon the vital principles of the conftitution, to an ill-advised, unworthy, personal resentment. From one false step you have been betrayed into another; and as the cause was unworthy of you, your ministers were determined that the prudence of the execution should correspond with the wisdom and dignity of the defign. They have reduced you to the necessity of choosing out of a variety of difficulties; -to a fituation fo unhappy, that you can neither do wrong without ruin, nor right without affliction. These worthy servants have undoubtedly given you many fingular proofs of their abilities. Not contented with making Mr Wilkes a man of importance, they have judiciously transferred the question, from the rights and interests of one man, to the most important rights and interests of the people; and forced your subjects, from wishing well to the cause of an individual, to unite with him in their own. Let them proceed as they have begun, and your Majesty need not doubt that the catastrophe will do no dishonour to the conduct of the piece.

The circumstances to which you are reduced, will not admit of a compromise with the English nation. Undecisive qualifying measures will disgrace your government still more than open violence, and, without satisfying the people, will excite their contempt. They have too much understanding and spirit to accept of an indirect satisfaction for a direct injury. Nothing less than a repeal, as formal as the resolution itself, can heal the wound which has been given to the constitution, nor will any thing less be accepted. I can readily believe that there is an influence sufficient to recal that pernicious vote. The house of commons undoubtedly consider their duty to the crown

as paramount to all other obligations. To us they are only indebted for an accidental existence, and have justly transferred their gratitude from their parents to their benefactors; -from those who gave them birth, to the minister, from whose benevolence they derive the comforts and pleasures of their political life-who has taken the tendereft care of their infancy, and relieves their necessities without offending their delicacy. But if it were possible for their integrity to be degraded to a condition fo vile and abject, that, compared with it, the present estimation they stand in is a state of honour and respect, consider, Sir, in what manner you will afterwards proceed. Can you conceive that the people of this country will long submit to be governed by so flexible a house of commons? It is not in the nature of human fociety, that any form of government, in fuch circumstances, can long be preserved. In ours, the general contempt of the people is as fatal as their detestation. Such, I am perfuaded, would be the necessary effect of any base concession made by the prefent house of commons, and, as a qualifying measure would not be accepted, it remains for you to decide whether you will, at any hazard, support a fet of men who have reduced you to this unhappy dilemma, or whether you will gratify the united wifnes of the whole people of England by diffolving the parliament.

Taking it for granted, as I do very fincerely, that you have personally no design against the constitution, or any view inconsistent with the good of your subjects, I think you cannot hesitate long upon the choice which it equally concerns your interest and your honour to adopt. On one side, you hazard the affections of all your English subjects; you relinquish every hope of repose to yoursels, and you endanger the establishment of your family for ever. All this you venture for no object whatsoever, or for such an object as it would be an affront to you

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to name. Men of fense will examine your conduct with suspicion; while those who are incapable of comprehending to what degree they are injured, afflict you with clamours equally infolent and unmeaning. Supposing it possible that no fatal struggle should ensue, you determine at once to be unhappy, without the hope of a compensation either from interest or ambition. If an English King be hated or despised, he must be unhappy; and this perhaps is the only political truth which he ought to be convinced of without experiment. But if the English people should no longer confine their refentment to a submissive representation of their wrongs; if, following the glorious example of their ancestors, they should no longer appeal to the creature of the conflitution, but to that high Being who gave them the rights of humanity, whose gifts it were facrilege to furrender, let me ask you, Sir, upon what part of your subjects would you rely for affiftance?

The people of Ireland have been uniformly plundered and oppressed. In return, they give you every day fresh marks of their resentment. They despise the miserable governor you have sent them *, because he is the creature of Lord Bute; nor is it from any natural confusion in their ideas, that they are so ready to consound the original of a King with the disgraceful representation of him.

The distance of the Colonies would make it impossible for them to take an active concern in your affairs, if they were as well affected to your government as they once pretended to be to your person. They were ready enough to distinguish between you and your ministers. They complained of an act of the legislature, but traced the origin of it no higher than to the servants of the crown: They

^{*} Viscount Townshend, sent over on the plan of being resident governor. The history of his ridiculous administration shall not be left to the public.

pleased themselves with the hope that their Sovereign, if not favourable to their cause, at least was impartial. The decifive, personal part you took against them, has effectually banished that first distinction from their minds *. They consider you as united with your fervants against America; and know how to distinguish the Sovereign and a venal parliament on one fide, from the real fentiments of the English people on the other. Looking forward to independence, they might possibly receive you for their King; but, if ever you reretire to America, be affured they will give you fuch a covenant to digeft, as the Presbytery of Scotland would have been ashamed to offer to Charles the fecond. They left their native land in fearch of freedom, and found it in a defait. Divided as they are into a thousand forms of policy and religion, there is one point in which they all agree:-they equally detest the pageantry of a King, and the supercilious hypocrify of a bishop.

It is not then from the alienated affections of Ireland or America that you can reasonably look for affistance; still less from the people of England, who are actually contending for their rights, and in this great question are parties against you. You are not however destitute of every appearance of support: You have all the Jacobites, Nonjurors, Roman Catholics, and Tories of this country, and all Scotland without exception. Considering from what family you are descended, the choice of your friends has been singularly directed; and truly, Sir, if you had not lost the whig interest of

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In the King's speech of 8th November 1768, it was declared,
That the spirit of faction had broken out a fresh in some of the
colonies, and, in one of them, proceeded to acts of violence and
fresstance to the execution of the laws;—that Boston was in a
fate of disobedience to all law and government, and had proceeded to measures subversive of the constitution, and attended
with circumstances that manifested a disposition to throw off
their dependence on Great Britain."

England, I should admire your dexterity in turning the hearts of your enemies? Is it possible for you to place any considence in men, who, before they are faithful to you, must renounce every opinion, and betray every principle, both in church and state, which they inherit from their ancestors, and are consisted in by their education? whose numbers are so inconsiderable, that they have long since been obliged to give up the principles and language which distinguish them as a party, and to sight under the banners of their enemies? Their zeal begins with hypocrify, and must conclude in treachery. At sirst they deceive; at last they be-

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As to the Scotch, I must suppose your heart and understanding so biassed, from your earliest infancy, in their favour, that nothing less than your own misfortunes can undeceive you. You will not accept of the uniform experience of your ancestors; and, when once a man is determined to believe, the very absurdity of the doctrine confirms him in his faith. A bigotted understanding can draw a proof of attachment to the house of Hanover from a notorious zeal for the house of Stuart, and find an earnest of future loyalty in former rebellions. Appearances are, however, in their favour; fo strongly indeed, that one would think they had forgotten that you are their lawful King, and had mistaken you for a pretender to the crown. Let it be admitted then that the Scotch are as fincere in their present professions, as if you were in reality not an Englishman, but a Briton of the North. You would not be the first prince, of their native country, against whom they have rebelled, nor the first whom they have basely betrayed. Have you, forgotten, Sir, or has your favourite concealed from you that part of our history, when the unhappy Charles (and he too had private virtues) fled from the open, avowed indignation of his English fubjects, and surrendered himfelf at differetion to the good faith of his own countrymen. Without looking for support in their affections as subjects, he applied only to their honour as gentlemen for protection. They received him as they would your Majesty, with bows, and finiles, and falshood, and kept him until they had fettled their bargain with the English parliament; then basely fold their native king to the vengeance of his enemies. This, Sir, was not the act of a few traitors; but the deliberate treachery of a Scotch parliament, representing the nation. A wife prince might draw from it two lessons of equal utility to himself. On one side he might learn to dread the undifguifed refentment of a generous people, who dare openly affert their rights, and who in a just cause are ready to meet their Sovereign in the field. On the other fide, he would be taught to apprehend something far more formidable; -a fawning treachery, against which no prudence can guard, no courage can defend. The infidious smile upon the cheek would warn him of the canker in the heart.

From the uses to which one part of the army has been too frequently applied, you have some teason to expect that there are no services they would resuse. Here too we trace the partiality of your understanding. You take the sense of the army from the conduct of the guards, with the same justice with which you collect the sense of the people from the representations of the ministry. Your marching regiments, Sir, will not make the guards their example either as soldiers or subjects. They seel and resent, as they ought to do, that invariable, undistinguishing savour with which the guards are treated; * while those gallant troops,

[•] The number of commissioned officers in the guards are to the marching regiments as one to eleven;—the number of regiments given to the guards, compared with those given to the line, is about

by whom every hazardous, every laborious service is performed, are left to perish in garrisons abroad, or pine in quarters at home, neglected and forgotten. If they had no sense of the great original duty they owe their country, their resentment would operate like patriotism, and leave your cause to be defended by those to whom you have lavished the rewards and honours of their profession. The Prætorian Bands, enervated and debauched as they were, had still strength enough to awe the Roman populace: but when the distant legions took the alarm, they marched to Rome, and gave away the empire.

On this side then, which ever way you turn your eyes, you see nothing but perplexity and distress. You may determine to support the very ministry who have reduced your affairs to this deplorable situation: you may shelter yourself under the forms of a parliament, and set your people at desiance. But be assured, Sir, that such a resolution would be as imprudent as it would be odious. If it did not immediately shake your establishment, it would rob you of your peace of mind for ever.

On the other, how different is the prospect! How easy, how safe and honourable, is the path before you! The English nation declare they are grossly injured by their representatives, and solicit your Majesty to exert your lawful prerogative, and give them an opportunity of recalling a trust which they find has been scandalously abused. You are not to be told that the power of the house of commons is not original, but delegated to them for the welfare of the people, from whom they received

three to one, at a moderate computation; consequently the partiality in favour of the guards is as thirty-three to one.—So much for the officers.—The private men have four-pence a day to subsist on, and five hundred lastes if they desert. Under this punishment, they frequently expire. With these encouragements, it is supposed, they may be depended upon, whenever a certain person thinks it necessary to butcher his fellow-subjects.

it. A question of right arises between the constituent and the representative body. By what authority shall it be decided? Will your Majesty interfere in a question in which you have properly no immediate concern.-It would be a step equally odious and unnecessary. Shall the lords be called upon to determine the rights and privileges of the commons?-They cannot do it without a flagrant breach of the constitution. Or will you refer it to the judges?-They have often told your ancestors, that the law of parliament is above them. What party then remains, but to leave it to the people to determine for themselves? They alone are injured; and fince there is no fuperior power to which the cause can be referred, they alone ought to determine.

I do not mean to perplex you with a tedious argument upon a subject already so discussed, that inspiration could hardly throw a new light upon it. There are, however, two points of view in which it particularly imports your Majesty to consider the late proceedings of the house of commons. By depriving a subject of his birthright, they have attributed to their own vote an authority equal to an act of the whole legislature; and, tho' perhaps not with the same motives, have strictly followed the example of the long parliament, which first declared the regal office useles, and soon after with as little ceremony diffolved the house of lords. The same pretended power, which robs an English subject of his birth-right, may rob an English King of his crown. In another view, the resolution of the house of commons, apparently not so dangerous to your Majesty, is still more alarming to your people. Not contented with divesting one man of his right, they have arbitrarily conveyed that right to another. They have fet afide a return as illegal, without daring to censure those officers, who were particularly apprifed of Mr Wilkes's incapacity,

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not only by the declaration of the house, but expressly by the writ directed to them, and who nevertheless returned him as duly elected. They have rejected the majority of votes, the only criterion by which our laws judge of the fense of the people; they have transferred the right of election from the collective to the representative body; and and by these acts, taken separately or together, they have effentially altered the constitution of the house of commons. Versed, as your Majesty undoubtedly is, in the English history, it cannot easily escape you, how much it is your interest, as well your duty, to prevent one of the three estates from encroaching upon the province of the other two, or affuming the authority of them all. When once they have departed from the great constitutional line, by which all their proceedings should be directed, who will answer for their future moderation? Or what affurance will they give you, that, when they have trampled upon their equals, they will fubmit to a fuperior? Your Majesty may learn hereafter, how nearly the flave and tyrant are allied. As a sequence of the

Some of your council, more candid than the rest, admit the abandoned profligacy of the present house of commons, but oppose their dissolution upon an opinion, I confess, not very unwarrantable, that their successors would be equally at the disposal of the treasury. I cannot persuade myself that the nation will have profited so little by experience. But if that opinion were well sounded, you might then gratify our wishes at an easy rate, and appease the present clamour against your government, without offering any material injury to the favourite cause of corruption.

You have still an honourable part to act. The affections of your subjects may still be recovered. But before you subdue their hearts, you must gain a noble victory over your own. Discard those little,

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personal resentments, which have too long directed your public conduct. Pardon this man the remainder of his punishment; and if resentment still prevails, make it, what it should have been long since, an act, not of mercy, but of contempt. He will soon fall back into his natural station,—a silent senator, and hardly supporting the weekly eloquence of a newspaper. The gentle breath of peace would leave him on the surface, neglected and unremoved. It is only the tempest, that lifts

him from his place.

Without confulting your minister, call together your whole council. Let it appear to the public, that you can determine and act for yourself. Come forward to your people. Lay aside the wretched formalities of a King; and speak to your subjects with the spirit of a man, and in the language of a gentleman. Tell them you have been fatally deceived. The acknowledgement will be no difgrace, but rather an honour, to your understanding. Tell them you are determined to remove every cause of complaint against your government; that you will give your confidence to no man, who does not poffess the confidence of your subjects; and leave it to themselves to determine, by their conduct at a future election, whether or no it be in reality the general fense of the nation, that their rights have been arbitrarily invaded by the prefent house of commons, and the constitution betrayed. They will then do justice to their representatives and to themselves.

These sentiments, Sir, and the style they are conveyed in, may be offensive, perhaps, because they are new to you. Accustomed to the language of courtiers, you measure their affections by the vehemence of their expressions; and when they only praise you indirectly, you admire their sincerity. But this not a time to trisse with your fortune. They deceive you, Sir, who tell you that

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you have many friends whose affections are founded upon a principle of personal attachment. The first soundation of friendship is not the power of conferring benefits, but the equality with which they are received and may be returned. The fortune, which made you a King, forbad you to have a friend. It is a law of nature which cannot be violated with impunity. The mistaken prince, who looks for friendship, will find a favourite, and in that favourite the ruin of his affairs.

The people of England are loyal to the house of Hanover, not from a vain preference of one family to another, but from a conviction that the establishment of that family was necessary to the support of their civil and religious liberties. This, Sir, is a principle of allegiance equally folid and rational;-fit for Englishmen to adopt, and well worthy of your Majesty's encouragement. We cannot long be deluded by nominal distinctions. The name of Stuart, of itself is only contemptible; -armed with the Sovereign authority, their principles are formidable. The Prince, who imitates their conduct, should be warned by their example; and, while he plumes himself upon the security of his title to the crown, should remember, that, as it was acquired by one revolution, it may be loft by another. JUNIUS.

LETTER XXXVI.

TO HIS GRACE THE DUKE OF GRAFTON.

My LORD, FEB. 14. 1770.

If I were personally your enemy, I might pity and forgive you. You have every claim to compassion, that can arise from misery and distress. The condition you are reduced to would disarm a private enemy of his resentment, and leave no consolation to the most vindictive spirit, but that such

an object as you are would difgrace the dignity of revenge. But in the relation you have borne to this country, you have no title to indulgence; and if I had followed the dictates of my own opinion, I never should have allowed you the respite of a moment. In your public character, you have injured every subject of the empire; and though an individual is not authorised to forgive the injuries done to fociety, he is called upon to affert his feparate share in the public refentment. I submitted however to the judgment of men, more moderate, perhaps more candid, than myself. For my own part, I do not pretend to understand those prudent forms of decorum, those gentle rules of discretion, which some men endeavour to unite with the conduct of the greatest and most hazardous affairs. Engaged in the defence of an honourable cause, I would take a decifive part .- I should scorn to provide for a future retreat, or to keep terms with a man who preserves no measures with the public. Neither the abject fubmission of deferting his post in the hour of danger, nor even the * facred shield: of cowardice, should protect him. I would pursue him through life, and try the last exertion of my abilities to preserve the perishable infamy of his name, and make it immortal.

What then, my Lord, is this the event of all the facrifices you have made to Lord Bute's patronage, and to your own unfortunate ambition? Was it for this you abandoned your earliest friendships,—the warmest connexions of your youth, and all those honourable engagements, by which you once solicited, and might have acquired, the esteem of your country? Have you secured no recompence for such a waste of honour?—Unhappy man! what party will receive the common deserter of all parties? Without a client to flatter, without a friend

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to confole you, and with only one companion from the honest house of Bloomsbury, you must now retire into a dreadful solitude. At the most active period of life, you must quit the busy scene, and conceal yourself from the world, if you would hope to save the wretched remains of a ruined reputation. The vices operate like age,—bring on disease before its time, and in the prime of youth leave the character broken and exhausted.

Yet your conduct has been mysterious, as well as contemptible. Where is now that firmness, or obstinacy, so long boasted of by your friends, and acknowledged by your enemies? We were taught to expect, that you would not leave the ruin of this country to be compleated by other hands, but were determined either to gain a decifive victory over the constitution, or to perish bravely at least behind the last dike of the prerogative. You knew the danger, and might have been provided for it. You took fufficient time to prepare for a meeting with your parliament, to confirm the mercenary fidelity of your dependants, and to fuggest to your Sovereign a language suited to his dignity at least, if not to his benevolence and wisdom. Yet, while the whole kingdom was agitated with anxious expectation upon one great point, you meanly evaded the question, and, instead of the explicit firmness and decision of a King, gave us nothing but the mifery of a ruined * grazier, and the whining piety of a Methodist. We had reason to expect, that notice would have been taken of the petitions which the king had received from the English nation; and although I can conceive fome personal motives for not yielding to them, I can find none, in common prudence or decency, for treating them with contempt. Beaffured, my Lord, the English people will not tamely submit to this unworthy treatment;

^{*} There was fomething wonderfully pathetic in the mention of the horned cattle.

-they had a right to be heard; and their petitions, if not granted, deserved to be considered. Whatever be the real views and doctrine of a court, the Sovereign should be taught to preserve some forms of attention to his subjects; and, if he will not redrefs their grievances, not to make them a topic of jest and mockery among lords and ladies of the bedchamber. Injuries may be atoned for, and forgiven; but infults admit of no compensation. They degrade the mind in its own efteem, and force it to recover its level by revenge. This neglect of the petitions was however a part of your original plan of government; nor will any confequences it has produced account for your deferting your Sovereign, in the midst of that distress in which you and your + new friends had involved him. One would think, my Lord, you might have taken this spirited resolution before you had disfolved the last of those early connexions, which once, even in your own opinion, did honour to your youth ;-before you had obliged Lord Granby to quit a service he was attached to; -before you had discarded one chancellor, and killed another. To what an abject condition have you laboured to reduce the best of princes, when the unhappy man, who yields at last to such personal instance and solicitation as never can be fairly employed against a subject, feels himself degraded by his compliance, and is unable to furvive the difgraceful honours which his gracious Sovereign had compelled him to accept, He was a man of spirit, for he had a quick sense of shame, and death has redeemed his character. I know your Grace too well to appeal to your feelings upon this event; but there is another heart not yet, I hope, quite callous to the touch of humanity, to which it ought to be a dreadful leffon for ever *.

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[†] The Bedford party.

The most fecret particulars of this detestable transaction shall,

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Now, my Lord, let us consider the situation to which you have conducted, and in which you have thought it adviseable to abandon, your royal master. Whenever the people have complained, and nothing better could be faid in defence of the meafures of government, it has been the fashion to answer us, though not very fairly, with an appeal to the private virtues of your Sovereign. " he not, to relieve the people, furrendered a confiderable part of his revenue?—Has he not " made the judges independent, by fixing them in " their places for life?"-My Lord, we acknowledge the gracious principle which gave birth to thefe concessions, and have nothing to regret but that it has never been adhered to. At the end of feven years, we are loaded with a debt of above five hundred thousand pounds upon the civil list, and we now fee the Chancellor of Great Britain tyrannically forced out of his office, not for want of abilities, not for want of integrity, or of attention to his duty, but for delivering his honest opinion in parliament, upon the greatest constitutional question that has arisen since the revolution.-We care not to whose private virtues you appeal:-the theory of fuch a government is falfehood and mockery; the practice is oppression. You have laboured then (though I confess to no purpose) to rob your master of the only plausible answer that ever was given in defence of his government, of the opinion which the people had conceived of his personal honour and integrity .--The Duke of Bedford was more moderate than your Grace. He only forced his master to violate a folemn promise made to an * individual. you, my Lord, have fuccessfully extended your advice to every political, every moral engagement, that

in due time, he given to the public. The people shall know what kind of man they have to deal with.

^{*} Mr Stuart Mackenzie.

that could bind either the magistrate or the man. The condition of a King is often miserable, but it required your Grace's abilities to make it contemptible.-You will fay perhaps, that the faithful fervants, in whose hands you have left him, are able to retrieve his honour, and to support his government. You have publicly declared, even fince your refignation, that you approved of their measures, and admired their conduct, particularly that of the Earl of Sandwich. What a pity it is, that, with all this appearance, you should think it necessary to separate yourself from such amiable companions! You forget, my Lord, that while you are lavish in the praise of men whom you desert, you are publicly opposing your conduct to your opinions, and depriving yourfelf of the only plaufible pretence you had for leaving your Sovereign overwhelmed with distress: I call it plausible; for, in truth, there is no reason whatsoever, less than the frowns of your master, that could justify a man of spirit for abandoning his post at a moment fo critical and important. It is in vain to evade the question. If you will not speak out, the public have a right to judge from appearances. We are authorized to conclude, that you either differed from your colleagues, whose measures you still affect to defend, or that you thought the administration of the King's affairs no longer tenable. You are at liberty to choose between the hypocrite and the coward. Your best friends are in doubt which way they shall incline. Your country unites the characters, and gives you credit for them both. For my own part, I fee nothing inconfistent in your conduct. You began with betraying the people, -you conclude with betraying the King.

In your treatment of particular persons, you have preserved the uniformity of your character. Even Mr Bradshaw declares, that no man was ever

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fo ill used as himself. As to the provision * you have made for his family, he was intitled to it by the house he lives in. The successor of one Chancellor might well pretend to be the rival of another. It is the breach of private friendship which touches Mr Bradshaw; and to say the truth, when a man of his rank and abilities had taken so active a part in your affairs, he ought not to have been let down at last with a miserable pension of fifteen hundred pounds a year. Colonel Luttrell, Mr Onflow, and Governor Burgoyne, were equally engaged with you, and have rather more reason to complain than Mr Bradshaw. These are men, my Lord, whose friendship you should have adhered to on the same principle on which you deferted Lord Rockingham, Lord Chatham, Lord Camden, and the Duke of Portland. We can easily account for your violating your engagements with men of honour, but why should you betray your natural connexions? Why separate yourself from Lord Sandwich, Lord Gower, and Mr Rigby, or leave the three worthy gentlemen abovementioned to shift for themselves? With all the fashionable indulgence of the times. this country does not abound in characters like theirs; and you may find it a very difficult matter to recruit the black catalogue of your friends.

The recollection of the royal patent you fold to Mr Hine, obliges me to fay a word in defence of

A pension of 1500 l. per annum, insured upon the 4 1-half per cents (he was too cunning to trust to Irish security) for the lives of himself and all his sons. This gentleman, who a very sew years ago was clerk to a contractor for forage, and afterwards exalted to a petty post in the war-office, thought it necessary (as soon as he was appointed Secretary to the Treasury) to take that great house in Lincoln's-Inn Fields, in which the Earl of Northington had resided while he was Lord High Chancellor of Great Britain. As to the pension, Lord North very solemnly assured the house of commons, that no pension was ever so well deserved as Mr Bradshaw's.—N. B. Lord Camden and Sir Jessery Amherst are not near so well provided for; and Sir Edward Hawke, who saved the state, retires with two thousand pounds a-year on the Irish establishment, from which he in fact receives less than Mr Bradshaw's pension.

a man whom you have taken the most dishonourable means to injure. I do not refer to the fham profecution which you affected to carry on against him. On that ground, I doubt not, he is prepared to meet you with tenfold recrimination, and fet you at defiance. The injury you had done him affects his moral character. You knew that the offer to purchase the reversion of a place, which has heretofore been fold under a decree of the court of Chancery, however imprudent in his fituation would no way tend to cover him with that fort of guilt which you wished to fix upon him in the eyes of the world. You laboured then, by every species of false suggestion, and even by publishing counterfeit letters, to have it understood that he had proposed terms of accommodation to you, and had offered to abandon his principles, his party, and his friends. You consulted your own breaft for a character of confummate treachery, and gave it to the public for that of Mr Vaughan. I think myfelf obliged to do this justice to an injured man, because I was deceived by the appearances thrown out by your Grace, and have frequently spoken of his conduct with indignation. If he really be, what I think him, honest, though mistaken, he will be happy in recovering his reputanon, though at the expence of his understanding. Here, I fee, the matter is likely to rest. Your Grace is afraid to carry on the profecution. Mr Hine keeps quite possession of his purchase; and Governor Burgoyne, relieved from the apprehenfion of refunding the money, fits down, for the remainder of his life, INFAMOUS AND CONTENT-ED.

of you for ever. You are no longer that resolute minister, who had spirit to support the most violent measures; who compensated for the want of good and great qualities, by a brave determination (which

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(which some people admired and relied on) to maintain himself without them. The reputation of obstinacy and perseverance might have supplied the place of all the absent virtues. You have now added the last negative to your character, and meanly confessed that you are destitute of the common spirit of a man. Retire then, my Lord, and hide your blushes from the world; for, with such a load of shame, even BLACK may change its colour. A mind fuch as yours, in the folitary hours of domestic injoyment, may still find topics of consolation. You may find it in the memory of violated friendship; in the afflictions of an accomplished prince, whom you have difgraced and deferted; and, in the agitations of agreat country, driven, by your counsels, to the brink of destruction.

The palm of ministerial firmness is now transferred to Lord North. He tells us so himself, with the plenitude of the lore rotundo *; and I am ready enough to believe, that, while he can keep his place, he will not easily be persuaded to resign it. Your Grace was the firm minister of yesterday; Lord North is the firm minister of to-day. Tomorrow, perhaps, his Majesty, in his wisdom, may give us a rival for you both. You are too well acquainted with the temper of your late allies, to think it possible that Lord North should be permitted to govern this country. If we may believe common fame, they have shown him their superiority already. His Majesty is indeed too gracious to infult his subjects, by choosing his first minister from among the domestics of the Duke of Bedford. That would have been too gross an outrage to the three kingdoms. Their purpose, however, is equally answered by pushing forward this unhappy figure, and forcing it to bear the odium of meaiures

This eloquent person has got as far as the discipline of Demosthenes. He constantly speaks with pebbles in his mouth, to improve his articulation.

fures which they in reality direct. Without immediately appearing to govern, they poffess the power and distribute the emoluments of government as they think proper. They still adhere to the spirit of that calculation, which made Mr Luttrel representative of Middlesex. Far from regretting your retreat, they affure us very gravely, that it increases the real strength of the ministry. According to this way of reasoning, they will probably grow stronger, and more flourishing, every hour they exist; for I think there is hardly a day passes in which some one or other of his Majesty's fervants does not leave them to improve by the lofs of his affistance. But, alas! their countenances fpeak a different language. When the members drop off, the main body cannot be infensible of its approaching diffolution. Even the violence of their proceedings is a fignal of despair. Like broken tenants, who have had warning to quit the premifes, they curse their landlord, destroy the fixtures, throw every thing into confusion, and care not what mischief they do to the estate.

JUNIUS.

LETTER XXXVII.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

I BELIEVE there is no man, however indifferent about the interests of this country, who will not readily confess that the situation to which we are now reduced, whether it has arisen from the violence of faction, or from an arbitrary system of government, justifies the most melancholy apprehensions, and calls for the exertion of whatever wisdom or vigour is lest among us. The King's answer to the remonstrance of the city of London, and the measures since adopted by the ministry, amount to a plain declaration, that the principle,

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on which Mr Luttrell was feated in the house of commons, is to be supported in all its consequences, and carried to its utmost extent. The same spirit. which violated the freedom of election, now invades the declaration and bills of rights, and threatens to punish the subject for exercising a privilege, hitherto undisputed, of petitioning the crown. The grievances of the people are aggravated by infults; their complaints not merely difregarded, but checked by authority; and every one of those acts, against which they remonstrated, confirmed by the King's decifive approbation. At fuch a moment, no honest man will remain filent or inactive. However distinguished by rank or property, in the rights of freedom we are all equal. As we are Englishmen, the least considerable man among has an interest equal to the proudest nobleman, in the laws and constitution of this country, and is equally called upon to make a generous contribution in support of them; whether it be the heart to conceive, the understanding to direct, or the hand to execute. It is a common cause, in which we are all interested, in which we should all be engaged. The man who deferts it at this alarming crifis, is an enemy to his country, and, what I think of infinitely less importance, a traitor to his Sovereign. The subject, who is truly loval to the chief magistrate, will neither advise nor submit to arbitrary measures. The city of London hath given an example, which, I doubt not, will be followed by the whole kingdom. The noble spirit of the metropolis is the life-blood of the state, collected at the heart: from that point it circulates, with health and vigour, through every artery of the constitution. The time is come, when the body of the English people must affert their own cause: confcious of their strength, and animated by a: fense of their duty, they will not surrender their birthright to ministers, parliaments, or kings: The.

The city of London have expressed their sentiments with freedom and firmness; they have spoken truth boldly; and, in whatever light their remonstrance may be represented by courtiers, I defy the most subtle lawyer in this country to point out a fingle instance in which they have exceeded the truth. Even that affertion, which we are told-is most offensive to parliament, in the theory of the English constitution, is strictly true. If any part of the representative body be not chofen by the people, that part vitiates and corrupts the whole. If there be a defect in the representation of the people, that power, which alone is equal to the making of the laws in this country, is not complete, and the acts of parliament under that circumstance are not the acts of a pure and entire legislature. I speak of the theory of our constitution; and whatever difficulties or inconveniences may attend the practice, I am ready to maintain, that as far as the fact deviates from the principle, so far the practice is vitious and corrupt. I have not heard a question raised upon any other part of the remonstrance. That the principle on which the Middlesex election was determined, is more pernicious in its effects than either the levying of ship-money by Charles the First, or the sufpending power affumed by his fon, will hardly be difputed by any man who understands or wishes well to the English constitution. It is not an act of open violence done by the King, or any direct or palpable breach of the laws attempted by his minister, that can ever endanger the liberties of this country. Against such a King or minister the people would immediately take the alarm, and all the parties unite to oppose him. The laws may be grossly violated in particular instances, without any direct attack upon the whole system. Facts of that kind stand alone; they are attributed to necessity, not defended by principle. We can never be really in danger, until

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until the forms of parliament are made use of to destroy the substance of our civil and political liberties;—until parliament itself betrays its trust, by contributing to establish new principles of government, and employing the very weapons committed to it by the collective body, to stab the constitution.

As for the terms of the remonstrance, I presume it will not be affirmed, by any person less polished than a gentleman-usher, that this is a season for compliments. Our gracious King indeed is abundantly civil to himself. Instead of an answer to a petition, his majefty very graciously pronounces his own panegyric; and I confess, that, as far as his personal behaviour, or the royal purity of his intentions, is concerned, the truth of those declarations, which the minister has drawn up for his master, cannot decently be disputed. In every other respect, I affirm, that they are absolutely unsupported either in argument or fact. I must add too, that supposing the speech were otherwise unexceptionable, it is not a direct answer to the petition of the city. His Majesty is pleased to fay, that he is always ready to receive the requests of his subjects: yet the sheriffs were twice fent back with an excuse, and it was certainly debated in council whether or no the magistrates of the city of London should be admitted to an audience. Whether the remonstrance be or be not injurious to parliament, is the very question between the parliament and the people; and fuch a question as cannot be decided by the affertion of a third party, however respectable. That the petitioning for a diffolution of parliament is irreconcileable with the principles of the constitution, is a new doctrine. His Majesty perhaps has not been informed, that the house of commons themselves have, by a formal refolution, admitted it to be the right of the subject. His Majesty proceeds to assure us, that he has made the laws the rule of his conduct. Was deathy

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Was it in ordering or permitting his ministers to apprehend Mr Wilkes by a general warrant?-Was it in fuffering his ministers to revive the obfolete maxim of nullum tempus to rob the Duke of Portland of his property, and thereby give a decifive turn to a county election? - Was it in erecting a chamber confultation of furgeons, with authority to examine into and supersede the legal verdict of a jury? Or did his Majesty consult the laws of this country, when he permitted his fecretary of flate to declare, that, whenever the civil magistrate is trifled with, a military force must be fent for, without the delay of a moment, and effectually employed? or was it in the barbarous exactne(s with which this illegal, inhuman doctrine was carried into execution?—If his Majeffy had recollected these facts, I think he would never have faid, at least with any reference to the measures. of his government, that he had made the laws the rule of his conduct. To talk of preserving the affections, or relying on the support, of his subjects, while he continues to act upon these principles, is indeed paying a compliment to their loyalty, which I hope they have too much spirit and understanding to deferve in the work in bow attention the thirt

His Majesty, we are told, is not only punctuals in the performance of his own duty, but careful not to assume any of those powers which the constitution has placed in other hands. Admitting this last affertion to be strictly true, it is no way to the purpose. The city of London have not defired the King to assume a power placed in other hands. If they had, I should hope to see the perfon, who dared to present such a petition, immediately impeached. They solicit their Sovereign to exert that constitutional authority, which the laws have vested in him, for the benefit of his subjects. They call upon him to make use of his lawful preregative in a case, which our laws evidently

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dently supposed might happen, since they have provided for it by trusting the Sovereign with a discretionary power to dissolve the parliament. This request will, I am consident, be supported by remonstrances from all parts of the kingdom. His Majesty will find at last, that this is the sense of his people; and that it is not his interest to support either ministry or parliament, at the hazard of a breach with the collective body of his subjects.—That he is the King of a free people, is indeed his greatest glory. That he may long continue the King of a free people, is the second wish that animates my heart. The first is, THAT THE PEOPLE MAY BE FREE*.

J U N I U S.

LETTER XXXVIII.

TO THE RRINTER OF THE PUBLIC ADVERTISER.

S I R, APRIL 3. 1770. IN my last letter, I offered you my opinion of the truth and propriety of his Majesty's answer to the city of London, confidering it merely as the speech of a minister, drawn up in his own defence. and delivered, as usual, by the chief magistrate. I would separate, as much as possible, the King's personal character and behaviour from the acts of the present government. I wish it to be understood that his Majesty had in effect no more concern in the fubstance of what he faid, than Sir James Hodges had in the remonstrance; and that as Sir James, in virtue of his office, was obliged to speak the fentiments of the people, his Majesty might think himself bound, by the same official obligation, to give a graceful utterance to the fentiments of his minister. The cold formality of a well-repeated

When his Majesty had done reading his speech, the Lord Mayor, &c. had the honour of kissing his Majesty's hand; after which, as they were withdrawing, his Majesty instantly turned round to his courtier's, and burst out a laughing.

Nero fiddled, while Rome was burning. JOHN HORNE

lesson is widely distant from the animated expres-

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sion of the heart.

This distinction, however, is only true with respect to the measure itself. The confequences of it reach beyond the minister, and materially affect his Majesty's honour. In their own nature they are formidable enough to alarm a man of prudence, and disgraceful enough to afflict a man of spirit. A subject, whose sincere attachment to his Majesty's person and family is sounded upon rational principles, will not, in the present conjuncture, be scrupulous of alarming, or even of afflicting, his Sovereign. I know there is another fort of loyalty, of which his Majesty has had plentiful experience. When the loyalty of Tories, Jacobites, and Scotchmen, has once taken poffeffion of an unhappy Prince, it seldom leaves him without accomplishing his destruction. When the poison of their doctrines have tainted the natural benevolence of his disposition, when their insidious counsels have corrupted the ftamina of his government, what antidote can restore him to his political health and honour, but the firm fincerity of his English subjects?

It has not been usual in this country, at least since the days of Charles the first, to see the so-vereign personally at variance or engaged in a direct altercation with his subjects. Acts of grace and indulgence are wisely appropriated to him, and should constantly be performed by himself. He never should appear but in an amiable light to his subjects, Even in France, as long as any ideas of a limited monarchy were thought worth preserving, it was a maxim, that no man should leave the royal presence discontented. They have lost or renounced the moderate principles of their government; and now when their parliaments venture to remonstrate, the tyrant comes forward, and answers absolutely for himself. The spirit of

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their present constitution requires that the king should be feared; and the principle, I believe, is tolerably supported by the fact. But, in our political lystem, the theory is at variance with the practice; for the King should be beloved. Measures of greater severity may, indeed, in some circumstances, be necessary; but the minister who advises, should take the execution and odium of them entirely upon himself. He not only betrays his master, but violates the spirit of the English constitution, when he exposes the chief magistrate to the personal hatred or contempt of his subjects. When we speak of the firmness of government, we mean an uniform fystem of measures, deliberately adopted, and resolutely maintained by the fervants of the crown, not a peevish asperity in the language or behaviour of the fovereign. government of a weak irrefolute monarch may be wife, moderate, and firm; that of an obstinate capricious prince, on the contrary, may be feeble, undetermined, and relaxed. The reputation of public measures depends upon the minister, who is responsible; not upon the King, whose private opinions are not supposed to have any weight against the advice of his counsel, and whose personal authority should therefore never be interposed in public affairs.-This I believe is true conftitutional doctrine. But for a moment let us suppose it false. Let it be taken for granted, that an occation may arise in which a King of England shall be compelled to take upon himself the ungrateful office of rejecting the petitions and censuring the conduct of his subjects; and let the City remonstrance be supposed to have created so extraordinary an occasion. On this principle, which I prefume no friend of administration will dispute, let the wisdom and spirit of the ministry be examined. They advise the King to hazard his dignity, by a positive declaration of his own senti-

ments.-They fuggest to him a language full of feverity and reproach. What follows? When his majesty had taken so decisive a part in support of his ministry and parliament, he had a right to expect from them a reciprocal demonstration of firmness in their own cause, and of their zeal for his honour. He had reason to expect (and such, I doubt not, were the bluftering promifes of Lord North) that the persons, whom he had been advifed to charge with having failed in their respect to him, with having injured parliament and violated the principles of the conftitution, should not have been permitted to escape without some severe marks of the displeasure and vengeance of parliament. As the matter stands, the minister, after placing his fovereign in the most unfavourable light to his subjects, and after attempting to fix the ridicule and odium of his own precipitate measures upon the royal character, leaves him a folitary figure upon the scene, to recal, if he can, or to compensate, by future compliances, for one unhappy demonstration of ill-supported firmness and ineffectual refentment. As a man of spirit, his Majesty cannot but be sensible, that the lofty terms in which he was perfuaded to reprimand the city, when united with the filly conclusion of the buliness, resemble the pomp of a mock-tragedy, where the most pathetic fentiments, and even the fufferings of the hero, are calculated for derifion.

Such has been the boasted sirmness and consistency of a minister, * whose appearance in the house of commons was thought essential to the King's service;—whose presence was to instruence every division;—who had a voice to persuade, an eye to penetrate, a gesture to command. The repu-

^{*} This graceful minister is oddly constructed. His tongue is a little two big for his mouth, and his eyes a great deal too big for their sockets. Every part of his person sets natural proportion at defiance. At this p esent writing, his head is supposed to be much too heavy for his shoulders.

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reputation of these great qualities has been fatal to his friends. The little dignity of Mr Ellis has been committed. The mine was funk; -combustibles were provided; and Welbore Ellis, the Guy Faux of the fable, waited only for the fignal of command. All of a fudden the country gentlemen discover how grossly they have been deceived: -the minister's heart fails him; the grand plot is defeated in a moment; and poor Mr Ellis and his motion taken into custody. From the event of Friday last, one would imagine that some fatality hung over this gentleman. Whether he makes or suppresses a motion, he is equally sure of his difgrace. But the complexion of the times will fuffer no man to be vice-treasurer of Ireland with impunity *.

I do not mean to express the smallest anxiety for the minister's reputation. He acts separately for himself, and the most shameful inconsistency may perhaps be no disgrace to him. But when the Sovereign, who represents the majesty of the state, appears in person, his dignity should be supported. The occasion should be important;—the plan well considered;—the execution steady and consistent. My zeal for his Majesty's real honour compels me to affert, that it has been too much the system of the present reign, to intro-

About this time, the courtiers talked of nothing but a bill of pains and penalties against the Lord Mayor and Sheriss, or impeachment at the least. Little Mannikin Ellis told the King, that, if the business were lest to his management, he would engage to do wonders. It was thought very odd, that a motion of so much importance should be intrusted to the most contemptible little piece of machinery in the whole kingdom, His honest zeal however was disappointed. The minister took fright; and, at the very instant that little Ellis was going to open, sent him an order to sit down. All their magnanimous threats ended in a ridiculous vote of censure, and a still more ridiculous address to the King. This shameful desertion so afflicted the generous mind of George the Third, that he was obliged to live upon potatoes for three weeks, to keep off a malignant sever.—Poor man!—Quie talia fande temperet a lacrymis!

duce him personally, either to act for, or to defend his fervants. They perfuade him to do what is properly their business, and desert him in the midft of it *. Yet this is an inconvenience to which he must be for ever exposed, while he adheres to a ministry divided among themselves, or unequal in credit and ability to the great task they have undertaken. Instead of referving the interposition of the royal personage as the last refource of government, their weakness obliges them to apply it to every ordinary occasion, and to render it cheap and common in the opinion of the people. Instead of supporting their master, they look to him for support; and, for the emoluments of remaining one day more in office, care not how much his facred character is profittuted and difhonoured.

If I thought it possible for this paper to reach the closet, I would venture to appeal at once to his Majesty's judgment. I would alk him, but in the most respectful terms, " As you are a young man, Sir, who ought to have a life of happi-" ness in prospect;—as you are a husband;—as " you are a father, [your filial duties, I own, have been religiously performed]; is it bona fide for vour interest or your honour, to facrifice your "domestic tranquillity, and to live in a perpetual difagreement with your people, merely to pre-" ferve fuch a chain of beings as North, Barring-"ton, Weymouth, Gower, Ellis, Onflow, Rig-" by, Jerry Dyson, and Sandwich? Their very " names are a fatire upon all government, and I defy the gravest of your chaplains to read the " catalogue without laughing."

For my own part, Sir, I have always confidered addresses from parliament, as a fashionable, un-

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After a certain person had succeeded in cajolling Mr Yorke, he told the Duke of Grafton, with a witty smile, "My Lord, you may kill the next Percy yourself."—N. B. He had but that instant wiped the tears away, which overcame Mr York.

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meaning formality. Usurpers, ideots, and tyrants, have been successively complimented with almost the same professions of duty and affection. But let us suppose them to mean exactly what they profess. The consequences deserve to be confidered. Either the fovereign is a man of high fpirit and dangerous ambition, ready to take advantage of the treachery of his parliament, ready to accept of the furrender they make him of the public liberty; -or he is a mild, undefigning prince, who, provided they indulge him with a little state and pageantry, would of himself intend no mifchief. On the first supposition, it must soon be decided by the fword, whether the constitution should be lost or preserved. On the second, a. prince no way qualified for the execution of a great and hazardous enterprize, and without any determined object in view, may nevertheless be driven into fuch desperate measures, as may lead directly to his ruin, or difgrace himfelf by a shameful fluctuation between the extremes of violence at one moment, and timidity at another. The minister, perhaps, may have reason to be satisfied with the fuccess of the present hour, and with the profits of his employment. He is the tenant of the day. and has no interest in the inheritance. The fovereign himself is bound by other obligations; and ought to look forward to a superior, a permanent interest. His paternal tenderness should remind him, how many hostages he has given to society. The ties of nature come powerfully in aid of oaths' and protestations. The father, who confiders his own precarious state of health, and the possible hazard of a long minority, will wish to see the tamily-estate free and unincumbered *. What is the dignity of the crown, though it were really maintained; -what is the honour of parliament. R 2

^{*} Every true friend of the house of Brunswick sees with affliction, how rapidly some of the principal branches of the family have dropped off.

supposing it could exist without any foundation of integrity and justice; -or what is the vain reputation of firmness, even if the scheme of the government were uniform and confistent, compared with the heart-felt affections of the people, with the happiness and security of the royal family, or even with the grateful acclamations of the populace? Whatever style of contempt may be adopted by ministers or parliaments, no man fincerely despises the voice of the English nation. The house of commons are only interpreters, whose duty it is to convey the fense of the people faithfully to the crown. If the interpretation be false or imperfect, the constituent powers are called upon to deliver their own fentiments. Their fpeech is rude, but intelligible; -their gestures fierce, but full of explanation. Perplexed by fophistries, their honest eloquence rises into action. Their first appeal was to the integrity of their representatives; -the second, to the King's justice; -the last argument of the people, whenever they have recourse to it, will carry more perhaps than perfuation to parliament, or supplication to the throne. I did bas and the TUNIUS. to major ode to all the

LETTER XXXIX.

TO THE PRINTER OF THE PUBLIC ADVER-

S I R, MAY 28. 1770.

WHILE parliament was fitting, it would neither have been fafe, nor perhaps quite regular, to offer any opinion to the public, upon the justice or wisdom of their proceedings. To pronounce fairly upon their conduct, it was necessary to wait until we could consider, in one view, the beginning, progress, and conclusion of their deliberations. The cause of the public was undertaken

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taken and supported by men, whose abilities and united authority, to fay nothing of the advantageous ground they stood on, might well be thought fufficient to determine a popular question in favour of the people. Neither was the house of commons so absolutely engaged in defence of the ministry, or even of their own resolutions, but that they might have paid some decent regard to the known disposition of their constituents; and, without any dishonour to their firmness, might have retracted an opinion too hastily adopted, when they faw the alarm it had created, and how strongly it was opposed by the general sense of the nation. The ministry too would have consulted their own immediate interest, in making some concession satisfactory to the moderate part of the people. Without touching the fact, they might have confented to guard against or give up the dangerous principle on which it was established. In this state of things, I think it was highly improbable at the beginning of the fession, that the complaints of the people upon a matter which, in their apprehension at least, immediately affected the life of the conflitution, would be treated with as much contempt by their own representatives, and by the house of lords, as they had been by the other branch of the legislature. Despairing of their integrity, we had a right to expect something from their prudence, and something from their fears. The Duke of Grafton certainly did not foresee to what an extent the corruption of a parliament might be carried. He thought, perhaps, that there was still some portion of shame or virtue left in the majority of the house of commons, or that there was a line in public profitution beyond which they would scruple to proceed. Had the young man been a little more practifed in the world, or had he ventured to mea-MIN THE BOIDS IN ROS HE

fure the characters of other men by his own, he

would not have been fo eafily discouraged.

The prorogation of parliament naturally calls upon us to review their proceedings, and to confider the condition in which they have left the kingdom. I do not question but they have done what is usually called the King's business, much to his Majesty's satisfaction. We have only to lament, that, in consequence of a system introduced or revived in the present reign, this kind of merit should be very confistent with the neglect of every duty they owe to the nation. The interval between the opening of the last and close of the former seffion was longer than usual. Whatever were the views of the minister in deferring the meeting of parliament, fufficient time was certainly given to every member of the house of commons, to look back upon the steps he had taken, and the consequences they had produced. The zeal of party, the violence of personal animolities, and the heat of contention, had leifure to subside. From that period, whatever refolution they took was deliberate and prepenfe. In the preceding fession, the dependants of the ministry had affected to believe, that the final determination of the question would have fatisfied the nation, or at least put a stop to their complaints; as if the certainty of an evil could diminish the sense of it, or the nature of injustice could be altered by decision. But they found the people of England were in a temper very diftant from fubmission; and, although it was contended that the house of commons could not themfelves reverse a resolution, which had the force and effect of a judicial fentence, there were other constitutional expedients, which would have given a fecurity against any fimilar attempts for the future. The general proposition, in which the whole country had an interest, might have been reduced to a particular fact, in which Mr Wilkes and

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The house of lords might interpose;—the King might dissolve the parliament;—or, if every other resource failed, there still lay a grand constitutional writ of error, in behalf of the people, from the decision of one court to the wisdom of the whole legislature. Every one of these remedies has been successively attempted. The people performed their part with dignity, spirit, and perseverance. For many months his Majesty heard nothing from his people but the language of complaint and resentment;—unhappily for this country, it was the daily triumph of his courtiers that he heard it with

an indifference approaching to contempt.

The house of commons having assumed a power unknown to the constitution, were determined not merely to support it in the single instance in question, but to maintain the doctrine in its utmost extent, and to establish the fact as a precedent in law, to be applied in whatever manner his Majesty's fervants should hereafter think fit. Their proceedings upon this occasion are a strong proof that a decision, in the first instance illegal and unjust, can only be supported by a continuation of falsehood and injustice. To support their former refolutions, they were obliged to violate fome of the best known and established rules of the house. In one instance, they went so far as to declare, in open defiance of truth and common fense, that it was not the rule of the house to divide a complicated question, at the request of a member *. after trampling upon the laws of the land, it was not wonderful that they should treat the private regulations of their own affembly with equal difregard. The speaker, being young in office, began with pretended ignorance, and ended with deci-

^{*} This extravagant resolution appears in the Votes of the house; but, in the minutes of the committees, the instances of resolutions contrary to law and truth, or of resusals to acknowledge law and truth when proposed to them, are innumerable.

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ding for the ministry. We are not surprised at the decision; but he hesitated and blushed at his own baseness, and every man was astonished *. orling

The interest of the public was vigorously supported in the house of lords. Their right to defend the constitution against an encroachment of the other estates, and the necessity of exerting it at this period, was urged to them with every argument that could be supposed to influence the heart or the understanding. But it soon appeared, that they had already taken their part, and were determined to support the house of commons, not only at the expence of truth and decency, but even by a furrender of their own most important rights. Instead of performing that duty which the constitution expected from them, in return for the dignity and independence of their station, in return for the hereditary share it has given them in the legislature, the majority of them made common cause with the other house in oppressing the people, and established another doctrine as false in itself. and if possible more pernicious to the constitution, than that on which the Middlesex election was determined. By refolving, " that they had no right to impeach a judgment of the house of commons in any case whatsoever where that house has a competent jurisdiction," they in effect gave up that constitutional check and reciprocal controul of one branch of the legislature over the other, which is perhaps the greatest and most important

When the King first made it a measure of his government to deftroy Mr Wilkes, and when for this purpose it was necessary to run down privilege, Sir Fletcher Norton, with his usual prostituted effrontery, affured the house of commons, that he should regard one of their votes no more than a resolution of fo many drunken porters. This is the very Lawyer, whom Ben Johnson describes in the following lines:

[&]quot;Gives forked council; takes provoking gold,
"On either band, and puts it up.

So wife, fo grave, of fo perplex'd a tongue,

And loud withal, that would not wag, nor scarce Lie still, without a fee.

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important object provided for by the division of the whole legislative power into three estates: and now, let the judicial decisions of the house of commons be ever fo extravagant, let their declarations of the law be ever fo flagrantly false, arbitrary, and oppressive to the subject, the house of lords have imposed a flavish silence upon themselves;-they cannot interpose,-they cannot protect the subject, -they cannot defend the laws of their country. A concession so extraordinary in itself, so contradictory to the principles of their own institution, cannot but alarm the most unsuspecting mind. We may well conclude, that the lords would hardly have yielded fo much to the other house, without the certainty of a compensation, which can only be made to them at the expence of the people *. The arbitrary power they have affumed of impofing fines and committing, during pleafure, will now be exercised in its full extent. The house of commons are too much in their debt to question or interrupt their proceedings. The Crown too, we may be well affured, will lose nothing in this new diftribution of power. After declaring, that to petition for a diffolution of parliament is irreconcilable with the principles of the constitution, his Majesty has reason to expect that some extraordinary compliment will be returned to the Royal prerogative. The three branches of the legislature seem to treat their separate rights and interests as the Roman Triumvirs did their friends. They reciprocally facrifice them to the animofities of each other, and establish a detestable union among themselves, upon the ruin of the laws and liberty of the commonwealth.

Through the whole proceedings of the house of commons

^{*} The man who resists and overcomes this iniquitous power assumed by the lords, must be supported by the whole people. We have the laws on our side, and want nothing but an intrepid leader. When such a man stands forth, let the nation look to it. It is not his cause, but our own.

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commons in this fession, there is an apparent, a palpable consciousness of guilt, which has prevented their daring to affert their own dignity, where it has been immediately and grofsly attacked. In the course of Doctor Musgrave's examination, he faid every thing that can be conceived mortifying to individuals, or offensive to the house. They voted his information frivolous; but they were awed by his firmness and integrity, and funk under it . The terms, in which the sale of a patent to Mr Hine were comunicated to the public, naturally called for a parliamentary enquiry. The integrity of the house of commons was directly impeached; but they had not courage to move in their own vindication, because the inquiry would have been fatal to Colonel Burgoyne and the Duke of Grafton. When Sir George Savile branded them with the name of traitors to their constituents; when the Lord Mayor, the Sheriffs, and Mr Trecothick, expressly avowed and maintained every part of the city remonstrance; why did they tamely submit to be infulted? Why did they not immediately expell those refractory members? Conscious of the motives on which they had acted, they prudently preferred infamy to danger, and were better prepared to meet the contempt, then to rouse the indignation, of the whole people. Had they expelled those five members, the consequences of the new doctrine of incapacitation would have come immediately home to every man. The truth of it would then have been fairly tried, without any reference to Mr Wilkes's private character, or the dignity of the house, or the obstinacy of one particular county. These topics, I know, have had their ter traccediter

The examination of this firm, honest man, is printed for Almon. The reader will find it a most curious and a most interesting tract. Doctor Musgrave, with no other support but truth and his own sirmness, resisted and overcame the whole house of commons.

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weight with men, who, affecting a character of moderation, in reality confult nothing but their own immediate eafe; who are weak enough to acquiefce under a flagrant violation of the laws, when it does not directly touch themselves; and care not what injustice is practifed upon a man, whose moral character they piously think themfelves obliged to condemn. In any other circumstances, the house of commons must have forfeited all credit and dignity, if, after such grofs provocation, they had permitted those five gentlemen to fit any longer among them. We should then have feen and felt the operation of a precedent, which is represented to be perfectly barren and harmless. But there is a set of men in this country, whose understandings measure the violation of law by the magnitude of the instance, not by the important confequences which flow directly from the principle; and the minister, I presume, did not think it fafe to quicken their apprehenfions too foon. Had Mr Hampden reasoned and acted like the moderate men of these days, instead of hazarding his whole fortune in a law-fuit with the crown, he would have quietly paid the twenty shillings demanded of him;—the Stuart family would probably have continued upon the throne, and at this moment the imposition of ship-money would have been an acknowledged prerogative of the crown.

What then has been the business of the session, after voting the supplies, and confirming the determination of the Middlesex election? The extraordinary prorogation of the Irish parliament, and the just discontents of that kingdom, have been passed by without notice. Neither the general situation of our colonies, nor that particular distress which forced the inhabitants of Boston to take up arms in their defence, have been thought worthy of a moment's consideration. In the repeal

peal of those acts which were most offensive to America, the parliament have done every thing but remove the offence. They have relinquished the revenue, but judiciously taken care to preserve the contention. It is not pretended that the continuation of the tea-duty is to produce any direct benefit whatsoever to the mother-country. What is it then but an odious unprofitable exertion of a speculative right, and fixing a badge of slavery upon the Americans, without service to their masters? But it has pleased God to give us a ministry and a parliament, who are neither to be persuaded by argument, nor instructed by experience.

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Lord North, I prefume, will not claim an extraordinary merit from any thing he has done this year in the improvement or application of the revenue. A great operation, directed to an important object, though it should fail of success, marks the genius and elevates the character of a minister. A poor contracted understanding deals in little schemes, which dishonour him if they fail, and do him no credit when they succeed. Lord North had fortunately the means in his poffession of reducing all the four per cents at once. The failure of his first enterprise in finance, is not half fo difgraceful to his reputation as a minister, as the enterprize itself is injurious to the public. Inflead of striking one decifive blow, which would have cleared the market at once, upon terms proportioned to the price of the four per cents fix weeks ago, he has tampered with a pitiful portion of a commodity, which ought never to have been touched but in gross:—he has given notice to the holders of that stock, of a design formed by government to prevail upon them to furrender it by degrees, consequently has warned them to hold up and enhance the price :- fo that the plan of reducing the four per cents must either be dropped entirely,

entirely, or continued with an increasing disadvantage to the public. The minister's sagacity has served to raise the value of the thing he means to purchase, and to sink that of the three per cents, which it is his purpose to sell. In effect, he has contrived to make it the interest of the proprietor of sour per cents to sell out, and buy three per cents in the market, rather than subscribe his stock upon any terms that can possibly be offered by

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The state of the nation leads us naturally to confider the fituation of the king. The prorogation of parliament has the effect of a temporary diffolution. The odium of measures adopted by the collective body fits lightly upon the separate members who compose it. They retire into summerquarters, and rest from the disgraceful labours of the campaign. But as for the Sovereign, it is not so with him. He has a permanent existence in this country; he cannot withdraw himself from the complaints, the discontents, the reproaches, of his fubjects. They pursue him to his retirement, and invade his domestic happiness, when no address can be obtained from an obsequious parliament to encourage or confole him. In other times, the interest of the King and people of England was, as it ought to be, entirely the same. A new system has not only been adopted in fact, but professed upon principle. Ministers are no longer the public fervants of the state, but the private domestics of the Sovereign. * One particular class of men are permitted to call themselves the King's friends, as if the body of the people were the King's enemies; or as if his Majesty looked for a resource or consolation in the attachment of a few favourites, against the general contempt and detestation

^{* &}quot;An ignorant, mercenary, and fervile crew; unanimous in evil, diligent in mischief, variable in principles, constant to slattery, talkers for liberty, but slaves to power;—styling themselves the court party, and the prince's only friends."

Davenant.

testation of his subjects. Edward, and Richard the fecond, made the same distinction between the collective body of the people, and a contemptible party who furrounded the throne. The event of their mistaken conduct might have been a warning to their fuccessors. Yet the errors of those princes were not without excuse. They had as many false friends as our present gracious Sovereign, and infinitely greater temptations to feduce them. They were neither fober, religious, nor Intoxicated with pleasure, they wasted their inheritance in pursuit of it. Their lives were like a rapid torrent, brilliant in prospect, though useless or dangerous in its course. In the dull, unanimated existence of other princes, we see nothing but a fickly stagnant water, which taints the atmosphere without fertilizing the foil .- The morality of a king is not to be measured by vulgar rules. His fituation is fingular. There are faults which do him honour, and virtues that difgrace him. A faultless insipid equality in his character, is neither capable of vice nor virtue in the extreme; but it fecures his fubmission to those perfons whom he has been accustomed to respect, and makes him a dangerous instrument of their ambition. Secluded from the world, attached from his infancy to one fet of persons, and one fet of ideas, he can neither open his heart to new connections, nor his mind to better information. A character of this fort is the foil fittest to produce that obstinate bigotry in politics and religion, which begins with a meritorious facrifice of the understanding, and finally conducts the monarch and the martyr to the block.

At any other period, I doubt not, the scandalous disorders which have been introduced into the government of all the dependencies in the empire, would have rouzed the attention of the public. The odious abuse and prostitution of the prerogard

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tive at home, -the unconstitutional employment of the military,—the arbitrary fines and commitments by the house of lords, and court of King'sbench; -the mercy of a chafte and pious prince, extended cheerfully to a wilful murderer, because that murderer is the brother of a common proftitute *, would, I think, at any other time, have excited universal indignation. But the daring attack upon the conftitution, in the Middlesex election, makes us callous and indifferent to inferior grievances. No man regards an eruption upon the furface, when the noble parts are invaded, and he feels a mortification approaching to his heart. The free election of our representatives in parliament comprehends, because it is, the source and security of every right and privilege of the English nation. The ministry have realised the compendious ideas of Caligula. They know that the liberty, the laws, and property of an Englishman, have in truth but one neck; and that to violate the freedom of election, strikes deeply at them all.

JUNIUS.

LETTER XL.

TO LORD NORTH.

My Lord,

Aug. 22. 1770.

MR Luttrel's fervices were the chief support and ornament of the Duke of Grafton's administration. The honour of rewarding them was reserved for your Lordship. The Duke, it seems, had contracted an obligation he was ashamed to acknowledge, and unable to acquit. You, my Lord, had no scruples. You accepted the succession with all its incumbrances; and have paid Mr Luttrell his legacy, at the hazard of ruining the estate.

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When this accomplished youth declared himself the champion of government, the world was bufy in inquiring what honours or emoluments could be a fufficient recompence to a young man of his rank and fortune, for fubmitting to mark his entrance into life with the universal contempt and detestation of his country.-His noble father had not been so precipitate. To vacate his feat in parliament,-to intrude upon a county in which he had no interest or connection,-to possess himself of another man's right, and to maintain it in defiance of public shame as well as justice, bespoke a degree of zeal, or of depravity, which all the favour of a pious Prince could hardly requite. I protest, my Lord, there is in this young man's conduct, a strain of prostitution, which, for its fingularity, I cannot but admire. He has discovered a new line in the human character;—he has degraded even the name of Luttrel, and gratified his father's most sanguine expectations.

The Duke of Grafton, with every possible disposition to patronise this kind of merit, was contented with pronouncing Colonel Luttrel's panegyric. The gallant spirit, the difinterested zeal of the young adventurer, were echoed through the house of lords. His grace repeatedly pledged himself to the house, as an evidence of the purity of his friend Mr Luttrel's intentions;—that he had engaged without any prospect of personal benefit, and that the idea of compensation would mortally offend him *. The noble Duke could hardly be in earnest; but he had lately quitted his employment, and began to think it necessary to take some care of his reputation. At that very moment the Irish negociation was probably begun. -Come forward, thou worthy representative of Lord Bute, and tell this infulted country, Who

[•] He now fays that his great object is the rank of colonel, and that he will have it.

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advised the king to appoint Mr Luttrel ADJU-TANT-GENERAL to the army in Ireland? what management was Colonel Cuninghame prevailed on to relign his employment, and the obsequious Gisborne to accept of a pension for the government of Kinfale *? Was it an original stipulation with the Princess of Wales, or does he owe his preferment to your Lordship's partiality, or to the Duke of Bedford's friendship? My Lord, though it may not be possible to trace this. measure to its source, we can follow the stream, and warn the country of its approaching destruction. The English nation must be roused, and put upon its guard. Mr Luttrel has already shown us how far he may be trusted, whenever an open attack is to be made upon the liberties of this country. I do not doubt that there is a deliberate plan formed. Your Lordship best knows by whom;—the corruption of the leflative body on this fide—a military force on the other—and then Farewell to England! It is impossible that any minister shall dare to advise the King to place such. a man as Luttrel in the confidential post of Adjutant-general, if there were not some secret purpose in view, which only such a man as Luttrel is fit to promote. The infult offered to the army in general is as gross as the outrage intended to the people of England. What! Lieutenant-colonel Luttrel Adjutant-general of an army of fix-S 3.

^{*} This infamous transaction ought to be explained to the public. Colonel Gisborne was quarter-master-general in Ireland. Lord Townshend persuades him to resign to a Scotch officer, one Fraser, and gives him the government of Kinsale.—Colonel Cuninghame was Adjutant-general in Ireland. Lord Townshend offers him a pension to induce him to resign to Luttrel. Cuninghame treats the offer with contempt. What's to be done? poor Gisborne must move once more.—He accepts of a pension of 500 l. a year, until a government of greater value shall become vacant. Colonel Cuninghame is made Governor of Kinsale: and Luttrel, at last, from whom the whole machinery is put in motion, becomes adjutant general, and in effect takes the command of the army in Ireland.

teen thousand men! One would think his Majesty's campaigns at Blackheath and Wimbleton might have taught him better.-I cannot help wishing General Harvey joy of a colleague who does fo much honour to the employment.—But, my Lord, this measure is too daring to pass unnoticed, too dangerous to be received with indifference or submission. You shall not have time to new-model the Irish army. They will not submit to be garbled by Colonel Luttrel. As a mifchief to the English constitution, (for he is not worth the name of enemy), they already detest him. As a boy, impudently thrust over their heads, they will receive him with indignation and contempt.—As for you, my Lord, who perhaps are no more than the blind unhappy instrument of Lord Bute and her Royal Highness the Princess of Wales, be affured, that you shall be called upon to answer for the advice which has been given, and either discover your accomplices, or fall a facrifice to their fecurity. JUNIUS.

LETTER XLI.

TO THE RIGHT HONOURABLE LORD MANSFIELD.

THE appearance of this letter will attract the curiofity of the public, and command even your Lordship's attention. I am considerably in your debt; and shall endeavour, once for all, to balance the account. Accept of this address, my Lord, as a prologue to more important scenes, in which you will probably be called upon to act or suffer.

You will not queston my veracity, when I asfure you, that it has not been owing to any particular respect for your person that I have abstained from from you so long. Besides the distress and danger with which the press is threatened, when your lordship is party, and the party is to be judge, I confess I have been deterred by the disticulty of the task. Our language has no term of reproach, the mind has no idea of detestation, which has not already been happily applied to you, and exhausted.—Ample justice has been done by abler pens than mine to the separate merits of your life and character. Let it be my humble office to collect the scattered sweets, till their united virtue tortures the sense.

Permit me to begin with paying a just tribute to Scotch fincerity wherever I find it. I own I am not apt to confide in the professions of gentlemen of that country; and when they smile, I feel an involuntary emotion to guard myfelf against mischief. With this general opinion of an acient nation, I always thought it much to your lordship's honour, that, in your earlier days, you were but little infected with the prudence of your country. You had some original attachments, which you took every proper opportunity to acknowledge. The liberal spirit of youth prevailed over your native discretion. Your zeal in the cause of an unhappy prince was expressed with the sincerity of wine, and some of the solemnities of religion *. This, I conceive, is the most amiable point of view in which your character has appeared. Like an honest man, you took that part in politics which might have been expected from your birth, education, country, and connections. There was fomething generous in your attachment to the banished house of Stuart. We lament the mistakes of a good man, and do not begin to detest him until he affects to renounce his principles. Why

^{*} This man was always a rank Jacobite. Lord Ravensworth produced the most satisfactory evidence of his having frequently drank the Pretender's health upon his knees.

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did you not adhere to that loyalty you once professed? Why did not you follow the example of your worthy brother +? With him you might have shared in the honour of the Pretender's confidence—with him you might have preserved the integrity of your character; and England, I think, might have spared you without regret. Your friends will fay, perhaps, that although you deferted the fortune of your liege Lord, you have adhered firmly to the principles which drove his father from the throne; -that, without openly fupporting the person, you have done effential fervice to the caufe, and confoled yourfelf for the lofs of a favourite family, by reviving and establishing the maxims of their government. This is the way in which a Scotchman's understanding corrects the errors of his heart. My lord, I acknowledge the truth of the defence, and can trace it through all your conduct. I fee through your whole life one uniform plan to enlarge the power: of the crown, at the expence of the liberty of the fubject. To this object, your thoughts, words, and actions, have been constantly directed. In contempt or ignorance of the common law of England, you have made it your study to introduce into the court where you prefide, maxims of jurisprudence unknown to Englishmen. The Roman code, the law of nations, and the opinion of foreign civilians, are your perpetual theme; but who ever heard you mention Magna Charta, or the Bill of Rights, with approbation or respect? By fuch treacherous arts, the noble simplicity and free spirit of our Saxon laws were first corrupted. The Norman conquest was not complete, until Norman lawyers had introduced their laws, and reduced flavery to a fystem.-This one leading principle directs your interpretation of the laws,

[†] Confidential Secretary to the late Pretender. This circumstance confirmed the friendship between the brothers.

and accounts for your treatment' of juries. It is not in political questions only (for there the courtier might be forgiven), but let the case be what it may, your understanding is equally on the rack, either to contract the power of the jury, or to mislead their judgment. For the truth of this affertion, I appeal to the doctrine you delivered in Lord Grosvenor's cause. An action for criminal conversation being brought by a peer against a prince of the blood, you were daring enough to tell the jury, that, in fixing the damages, they were to pay no regard to the quality or fortune of the parties;—that it was a trial between A and B -that they were to confider the offence in a moral light only, and give no greater damages to a peer of the realm than to the meanest mechanic. I shall not attempt to refute a doctrine which, if it was meant for law, carries falsehood and absurdity upon the face of it; but if it was meant for a declaration of your political creed, is clear and confistent. Under an arbitrary government, all ranks and distinctions are confounded. The honour of a nobleman is no more confidered than the reputation of a peafant; for, with different liveries, they are equally flaves.

Even in matters of private property, we see the same bias and inclination to depart from the decisions of your predecessors, which you certainly ought to receive as evidence of the common law. Instead of those certain positives rules by which the judgment of a court of law should invariably be determined, you have sondly introduced your own unsettled notions of equity and substantial justice. Decisions given upon such principles do not alarm the public so much as they ought, because the consequence and tendency of each particular instance is not observed or regarded. In the mean time, the practice gains ground; the court of King's-Bench becomes a court of equity; and

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the judge, instead of consulting strictly the law of the land, refers only to the wisdom of the court, and to the purity of his own conscience. The name of Mr Justice Yates will naturally revive in your mind some of those emotions of sear and detestation with which you always beheld him. That great lawyer, that honest man, saw your whole conduct in the light that I do. After years of inessectual resistance to the pernicious principles introduced by your Lordship, and uniformly supported by your humble friends upon the bench, he determined to quit a court, whose proceedings and decisions he could neither assent to with honour,

nor oppose with success.

* The injustice done to an individual is sometimes of service to the public. Facts are apt to alarm us more than the most dangerous principles. The sufferings and firmness of a printer have roufed the public attention. You knew and felt that your conduct would not bear a parliamentary inquiry; and you hoped to escape it by the meanest, the basest sacrifice of dignity and consistency, that ever was made by a great magistrate. Where was your firmnels, where was that vindictive spirit, of which we have feen fo many examples, when a man, fo inconfiderable as Bingley, could force you to confess, in the face of this country, that, for two years together, you had illegally deprived an English subject of his liberty, and that he had triumphed over you at last? Yet I own, my lord, that your's is not an uncommon character. Women, and men like women, are timid, vindictive, and irresolute. Their passions counteract each other; and make the fame creature, at one moment hateful, at another contemptible. I fancy, my Lord, some time will elapse before you venture

The oppression of an obscure individual gave birth to the samous Habeas Corpus Act of 31 Car. II. which is frequently considered as another Magna Charta of the Kingdom.

Blackstone, iii. 1352

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The doctrine you have constantly delivered in cases of libel, is another powerful evidence of a fettled plan to contract the legal power of juries, and to draw questions, inseparable from fact, within the arbitrium of the court. Here, my Lord, you have fortune on your fide. When you invade the province of the jury in matter of libel, you in effect attack the liberty of the prefs, and with a fingle stroke wound two of your greatest enemies .- In some instances you have succeeded, because jurymen are too often ignorant of their own rights, and too apt to be awed by the authority of a chief-justice. In other criminal profecutions, the malice of the defign is confessedly as much the subject of consideration to a jury, as the certainty of the fact. If a different doctrine prevails in the cafe of libels, why should it not extend to all criminal cases?—why not to capital offences? I fee no reason (and I dare say you will agree with me, that there is no good one) why the life of the subject should be better protected against you, than his liberty or property. Why should you enjoy the full power of pillory, fine, and imprisonment, and not be indulged with hanging or transportation? With your Lordship's fertile genius and merciful disposition, I can conceive such an exercise of the power you have, as could hardly be aggravated by that which you have not.

But, my Lord, fince you have laboured (and not unsuccessfully) to destroy the substance of the trial, why should you suffer the form of the verdict

Bingley was committed for contempt in not submitting to be examined. He lay in prison two years, until the crown thought the matter might occasion some serious complaint; and therefore he was let out, in the same contumelious state he had been put in, with all his sins about him, unanointed and unanealed.—There was much coquetry between the Court and the Attorney General, about who should undergo the ridicule of letting him escape.—

Vide another Letter to Almon, p. 189.

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to remain? Why force twelve honest men, in palpable violation of their oaths, to pronounce their fellow-subject a guilty man, when, almost at the same moment, you forbid their inquiring into the only circumstance which, in the eye of law and reason, constitutes guilt—the malignity or innocence of his intentions?—But I understand your Lordship.—If you could succeed in making the trial by jury useless and ridiculous, you might then with greater safety introduce a bill into parliament for enlarging the jurisdiction of the court, and extending your favourite trial by interrogatories to every question, in which the life or liberty of an

Englishman is concerned *.

Your charge to the jury, in the profecution against Almon and Woodfall, contradicts the highest legal authorities, as well as the plainest dictates of reason. In Miller's cause, and still more expressly in that of Baldwin, you have proceeded a step farther, and grossly contradicted yourfelf .- You may know, perhaps, though I do not mean to infult you by an appeal to your experience, that the language of truth is uniform and confistent. To depart from it safely, requires memory and discretion. In the two last trials, your charge to the jury began as usual, with affuring them that they had nothing to do with the law,that they were to find the bare fact, and not concern themselves about the legal inferences drawn from it, or the degree of the defendant's guilt. -Thus far you were confistent with your former

* The philosophical poet doth notably describe the damnable and damned proceedings of the judge of Hell.

"Guossius hæc Rhadamanthus habet durissima regna, "Castigatque, auditque dolos, subigitque fateri."

First he punisheth, and then he heareth, and lastly compelleth to confess, and makes and mars laws at his pleasure: like as the Centurion, in the holy history, did to St. Paul; for the text faith, "Centurio apprehendi Paulum jussit, & se catenis eligari; et tunc "INTERROGABAT, quis fuisset, et quid fecisset." But good judges and justices abhor these courses, Coke, 2 Inst. 55.

practice. But how will you account for the conclusion? You told the jury, that " if, after all, " they would take upon themselves to determine " the law, they might do it; but they must be very " fure that they determined according to law, for "it touched their consciences, and they acted at " their peril."-If I understand your first proposition, you meant to affirm, that the jury were not: competent judges of the law in the criminal case of a libel-that it did not fall within their jurifdiction; and that, with respect to them, the malice or innocence of the defendant's intentions would be a question coram non judice. - But the fecond proposition clears away your own difficulties. and restores the jury to all their judicial capacities. * You make the competence of the court to depend upon the legality of the decision. In the first instance, you deny the power absolutely. In the fecond, you admit the power, provided it be legally exercised. Now, my Lord, without pretending to reconcile the distinctions of Westminsterhall with the simple information of common fense or the integrity of fair argument, I shall be understood by your Lordship, when I affert, that, if a jury, or any other court of judicature, (for jurors are judges), have no right to enter into a cause or question of law, it fignifies nothing whether their decision be or be not according to law. Their decision is in itself a mere nullity: the parties are not bound to submit to it; and, if the jury run any risk of punishment, it is not for pronouncing a corrupt or illegal verdict, but for the illegality of meddling with a point on which they have no legal authority to decide +.

^{*} Directly the reverse of the doctrine he constantly maintained in the house of lords, and elsewhere, upon the decision of the Middlesex election. He invariably afferted, that the decision must be legal, because the court was competent; and never could be prevailed on to enter farther into the question.

[†] These iniquitous prosecutions cost the best of princes six thou-

L'cannot quit this subject, without reminding your Lordship of the name of Mr Benfon. Without offering any legal objection, you ordered a fpecial juryman to be fet afide in a caufe where the King was profecutor. The novelty of the fact required explanation. Wille you condescend to tell the world, by what law or cuftom you were authorifed to make a peremptory challenge of a juryman & The partiesy indeed, have this power; and perhaps your Lordship, having accustomed yourfelf to unite the characters of judge and party, may claim it in virtue of the new capacity you have affumed, and profit by your own wrong. The time, within which you might have been punished for this during attempt to pack a jury, is, I-fear, elapfed ; but no length of time shall erase pend upon the legality of the deciliariofoldrosoft

The mifchiefs you have done this country, are not confined to your interpretation of the laws. You are a minister, my Lord; and, as such, have long been confulted. Let us candidly examine what use you have made of your ministerial influence. I will not descend to little matters, but come at once to those important points on which your resolution was waited for, on which the expectation of your opinion kept a great part of the nation in suspence .- A constitutional question arises upon a declaration of the law of parliament, by which the freedom of election and the birthright of the subject were supposed to have been invaded. -The King's fervants are accused of violating the constitution. The nation is in a ferment, -The ablest men of all parties engage in the question, and exert their utmost abilities in the discussion of

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fand pounds, and ended in the total defeat and differed of the profecutors. In the course of one of them, Judge Aston had the unparallelled impudence to tell Mr Morris (a gentleman of unquestionable honour and integrity, and who was then giving his evidence on oath), that he should pay very little regard to any assistant he should make.

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it.-What part has the honest Lord Mansfield acted? As an eminent judge of the law, his opinion would have been respected .- As a peer, he had a right to demand an audience of his Sovereign, and inform him that his ministers were pursuing unconstitutional measures .- Upon other occasions, my Lord, you have no difficulty in finding your way into the closet. The pretended neutrality of belonging to no party, will not fave your reputation. In questions merely political, an honest man may stand neuter. But the laws and constitution are the general property of the subject; not to defend is to relinquish; -and who is there fo senseless as to renounce his share in a common benefit, unless he hopes to profit by a new divifion of the spoil. As a lord of parliament, you were repeatedly called upon to condemn or defend the new law declared by the house of commons, You affected to have scruples, and every expedient was attempted to remove them. - The queftion was proposed and urged to you in a thousand different shapes .- Your prudence still supplied you with evalion; -your resolution was invincible. For my own part, I am not anxious to penetrate this folemn fecret. I care not to whose wisdom it is intrusted, nor how soon you carry it with you to your grave *. You have betrayed your opinion by the very care you have taken to conceal it. It is not from Lord Mansfield that we expect any referve in declaring his real fentiments in favour of government, or in opposition to the people; nor is it difficult to account for the motions of a timid, dishonest heart, which neither has virtue enough to acknowledge truth, nor courage to contradict it .- Yet you continue to support an admiof hi deponds, third la Ti's a drive thanco niftration.

He faid in the house of lords, that he believed he should carry his opinion with him to the grave. It was afterwards reported that he had intrusted it, in special considence, to the ingenious Duke of Cumberland.

nistration which you know is universally odious, and which, on fome occasions, you yourfelf speak of with contempt. You would fain be thought to take no share in government; while, in reality, you are the main spring of the machine.-Here too we trace the little, prudential policy of a Scotfman.-Instead of acting that open, generous part, which becomes your rank and station, you meanly skulk into the closet, and give your Sovereign fuch advice as you have not spirit to avow or defend. You fecretly engrofs the power, while you decline the title, of minister; and though you dare not be Chancellor, you know how to fecure the emoluments of the office. - Are the feals to be for ever in commission, that you may enjoy five thoufand pounds a-year ?- I beg pardon, my Lord ;your fears have interposed at last, and forced you to refign.-The odium of continuing speaker of the house of lords, upon such terms, was too formidable to be refifted. What a multitude of bad passions are forced to submit to a constitutional infirmity! But though you have relinquished the falary, you still assume the rights of a minister .-Your conduct, it feems, must be defended in parliament.-For what other purpose is your wretched friend, that miserable serjeant, posted to the house of commons? Is it in the abilities of Mr Leigh to defend the great Lord Mansfield ?-Or, is he only the punch of the puppet-show, to speak as he is prompted by the CHIEF JUGGLER behind the curtain *?

In public affairs, my Lord, cunning, let it be ever fo well wrought, will not conduct a man honourably through life. Like bad money, it may be current for a time, but it will foon be cried down. It cannot confift with a liberal fpirit, though it be fome-

^{*} This paragraph gagged poor Leigh. I am really concerned for the man, and with it were possible to open his mouth —He is a very pretty orator.

fometimes united with extraordinary qualifications. When I acknowledge your abilities, you may believe I am fincere. I feel for human nature, when I see a man, so gifted as you are, descend to such vile practice.- Yet do not fuffer your vanity to confole you too foon. Believe me, my good Lord, you are not admired in the fame degree in which you are detefted. It is only the partiality of your friends, that balances the defects of your heart with the superiority of your understanding. No learned man, even among your own tribe, thinks you qualified to prefide in a court of common law. Yet it is confessed, that, under Justinian, you might have made an incomparable Prator.-It is remarkable enough, but I hope not ominous, that the laws you understand best, and the judges you affect to admire most, flourished in the decline of a great empire, and are supposed to have contributed Das, what have we to exped, but this alle sti or

Here, my Lord, it may be proper for us to pause together.-It is not for my own sake that I wish you to consider the delicacy of your situation. Beware how you indulge the first emotions of your refentment. This paper is delivered to the world, and cannot be recalled. The perfecution of an innocent printer cannot alter facts, nor refute arguments.-Do not furnish me with farther materials against yourself .- An honest man, like the true religion, appeals to the understanding, or modestly consides in the internal evidence of his conscience. The impostor employs force instead of argument, imposes filence where he cannot convince, and propagates his character by the fwords agonal lis to that par it ... In I U S. ..

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LETTER XLII.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

100 100 ab 151 JAN: 30. 1771. SIR, IF we recollect in what manner the King's friends have been constantly employed, we shall have no reason to be surprised at any condition of disgrace to which the once-respected name of Englishmen may be degraded. His Majesty has no cares, but fuch as concern the laws and constitution of this country. In his Royal breaft there is no room left for resentment, no place for hostile fentiments against the natural enemies of his crown. The fystem of government is uniform.-Violence and oppression at home can only be supported by treachery and submission abroad. When the civil rights of the people are daringly invaded on one fide, what have we to expect, but that their political rights should be deserted and betrayed, in the fame proportion, on the other? The plan of domestic policy which has been invariably pursued from the moment of his present Majesty's accesfion, engroffes all the attention of his fervants. They know that the fecurity of their places depends upon their maintaining, at any hazard, the fecret system of the closet. A foreign war might embarrass, an unfavourable event might ruin the minister, and defeat the deep-laid scheme of policy to which he and his affociates owe their employments. Rather than fuffer the execution of that scheme to be delayed or interrupted, the King has been advised to make a public furrender, a solemn facrifice, in the face of all Europe, not only of therinterests of his subjects, but of his own perfonal reputation, and of the dignity of that crown which his predecessors have worn with honour. These are strong terms, Sir, but they are supported by fact and argument. The

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The King of Great-Britain had been for fome years in possession of an island, to which, as the ministry themselves have repeatedly afferted, the Spaniards had no claim of right. The importance of the place is not in question. If it were, a better judgment might be formed of it from the opinion of Lord Anson and Lord Egmont, and from the anxiety of the Spaniards, than from any fallacious infinuations thrown out by men whose interest it is to undervalue that property which they are determined to relinquish. The pretentions of Spain were a subject of negociation between the two courts. They had been discussed, but not admitted. The King of Spain, in these eircumflances, bids adieu to amicable negociation, and appeals directly to the fword. The expedition against Port-Egmont does not appear to have been a sudden ill-concerted enterprise. It feems to have been conducted not only with the usual military precautions, but in all the forms and ceremonies of war. A frigate was first employed to examine the strength of the place. A message was then fent, demanding immediate poffession, in the Catholic King's name, and ordering our people to depart. At last a military force appears, and compels the garrison to furrender. A formal capitulation ensues; and his Majesty's ship, which might at least have been permitted to bring home his troops immediately, is detained in port twenty days, and her rudder forcibly taken away. This train of facts carries no appearance of the rathness or violence of a Spanish governor. On the contrary, the whole plan feems to have been formed and executed, in consequence of deliberate orders and a regular instruction from the Spanish court. Mr Buccarelli is not a pirate, nor has he been treated as fuch by those who employed him. I feel for the honour of a gentleman, when I affirm, that our King owes him a fignal reparation.-

Where will the humiliation of this country end? A King of Great Britain, not contented with placing himself upon a level with a Spanish governor, descends so low as to do a notorious injustice to that governor. As a falvo for his own reputation, he has been advised to traduce the character of a brave officer, and to treat him as a common robber, when he knew with certainty that Mr Buccarelli had acted in obedience to his orders, and had done no more than his duty. Thus it happens in private life, with a man who has no spirit nor fense of honour. - One of his equals orders a servant to strike him.—Instead of returning the blow to the master, his courage is contented with throwing an afpersion, equally false and public, upon the character of the fervant.

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This short recapitulation was necessary to introduce the confideration of his Majefty's speech of 13th November 1770, and the subsequent meafures of government. The excessive caution with which the speech was drawn up, had impressed upon me an early conviction, that no ferious refentment was thought of, and that the conclufion of the bufiness, whenever it happened, must in some degree be dishonourable to England. There appears through the whole speech a guard and referve in the choice of expression, which shows how careful the ministry were not to embarrass their future projects by any firm or spirited declaration from the throne. When all hopes of peace are loft, his Majesty tells his parliament, that he is preparing—not for barbarous war, but (with all. his mother's foftness) for a different situation. An open hostility, authorised by the Catholic King, is called an act of a governor. This act, to avoid the mention of a regular fiege and furrender, paffes under the piratical description of feizing by force; and the thing taken is described, not as a part of the King's territory or proper dominion,

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but merely as a possession, a word expressly chosen in contradiftinction to and exclusion of the idea of right, and to prepare us for a future furrender both of the right and of the possession. Yet this fpeech, Sir, cautious and equivocal as it is, cannot, by any fophistry, be accommodated to the measures which have fince been adopted. It feemed to promife, that whatever might be given up by fecret stipulation, some care would be taken to fave appearances to the public. The event shows us, that to depart, in the minutest article, from the nicety and strictness of punctilio, is as dangerous to national honour, as to female virtue. The woman, who admits of one familiarity, feldom knows where to stop, or what to refuse; and when the counsels of a great country give way in a single instance,-when they once are inclined to submisfion, every step accelerates the rapidity of the defcent. The ministry themselves, when they framed the speech, did not foresee, that they should ever accede to fuch an accommodation as they have fince advised their master to accept of.

The King says, The honour of my crown and the rights of my people are deeply affected. The Spaniard, in his reply, says, I give you back possession; but I adhere to my claim of prior right, reserving the affertion of it for a more favourable opportunity.

The speech says, I made an immediate demand of satisfaction; and, if that fails, I am prepared to do myself justice. This immediate demand must have been sent to Madrid on the 12th of September, or in a few days after. It was certainly refused, or evaded, and the King has not done himself justice.—When the first magistrate speaks to the nation, some care should be taken of his apparent veracity.

The speech proceeds to say, I shall not discontinue my preparations until I have received proper reparation for the injury. If this assurance may be

relied on, what an enormous expence is entailed, fine die, upon this unhappy country! Restitution of a possession, and reparation of an injury, are as different in substance, as they are in language. The very act of restitution may contain, as in this instance it palpably does, a shameful aggravation of the injury. A man of spirit does not measure the degree of an injury by the mere positive damage he has sustained. He considers the principle on which it is sounded; he resents the superiority afferted over him; and rejects with indignation the claim of right, which his adversary endeavours to establish, and would force him to acknowledge.

The motives on which the Catholic King makes restitution are, if possible, more insolent and disgraceful to our Sovereign than even the declaratory condition annexed to it. After taking four months to consider whether the expedition was undertaken by his own orders or not, he condefeends to difavow the enterprize, and to restore the island; -not from any regard to justice,-not from any regard he bears to his Britannic Majesty; but merely from the persuasion, in which he is, of the pacific sentiments of the King of Great Britain. -At this rate, if our King had discovered the spirit of a man, -if he had made a peremptory demand of fatisfaction, the King of Spain would have given him a peremptory refusal. But why this unfeafonable, this ridiculous mention of the King of Great Britain's pacific intentions? Have they ever been in question? Was Helthe aggressor? Does he attack foreign powers without provocation? Does he even resist, when he is insulted? No, Sir; if any ideas of strife or hostility have entered his royal mind, they have a very different direction. The enemies of England have nothing insech bruceeds ? to fear from them.

After all, Sir, to what kind of disavowal has the King of Spain at last consented? Supposing it made d,

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made in proper time, it should have been accompanied with instant restitution; and, if Mr Buccarelli acted without orders, he deserved death. Now, Sir, instead of immediate restitution, we have a four months negociation; and the officer, whose act is disavowed, returns to court, and is loaded with honours.

If the actual fituation of Europe be confidered, the treachery of the King's fervants, particularly of Lord North, who takes the whole upon himfelf. will appear in the ftrongest colours of aggravations Our allies were masters of the Mediterranean. The King of France's present aversion from war, and the diffraction of his affairs, are notorious. He is now in a state of war with his people. In vain did the Catholic King folicit him to take part in the quarrel against us. His finances were in the last disorder, and it was probable that his troops might find fufficient employment at home. In these circumstances, we might have dictated the law to Spain. There are no terms to which she might not have been compelled to submit. At the worst, a war with Spain alone carries the fairest promise of advantage. One good effect at least would have been immediately produced by it. The defertion of France would have irritated her ally. and in all probability have diffolved the familycompact. The scene is now fatally changed. The advantage is thrown away. The most favourable opportunity is loft.—Hereafter we shall know the value of it. When the French King is reconciled to his subjects; when Spain has completed her preparations; when the collected strength of the House of Bourbon attacks us at once, the King himself will be able to determine upon the wisdom or imprudence of his present conduct. As far as the probability of argument extends, we may fafely pronounce, that a conjuncture, which threatens the very being of this country, has been wilfully preprepared and forwarded by our own ministry. How far the people may be animated to resistance under the present administration, I know not; but this I know with certainty, that, under the present administration, or if any thing like it should continue, it is of very little moment whether we

are a conquered nation or not *a good driv behavi

Having travelled thus far in the high road of matter of fact, I may now be permitted to wander a little into the field of imagination. Let us banish from our minds the persuasion that these events have really happened in the reign of the best of princes. Let us consider them as nothing more than the materials of a fable, in which we may conceive the Sovereign of some other country to be concerned. I mean to violate all the laws of probability, when I suppose, that this imaginary King, after having voluntarily diffraced himself in the eyes of his subjects, might return to a fense of his dishonour; -that he might perceive the fnare laid for him by his ministers, and feel a spark of shame kindling in his breast .- The part he must then be obliged to act, would overwhelm him with confusion. To his parliament he must fay, I called you together to receive your advice, and have never asked your opinion.-To the merchant, - I have diffressed your commerce; I have dragged

The King's acceptance of the Spanish Ambassador's declaration, is drawn up in barbarous French, and signed by the Earl of Rochford. This diplomatic Lord has spent his life in the study and practice of Estiquettes, and is supposed to be a profound master of the ceremonies. I will not insult him by any reference to grammar or common sense; if he were even acquainted with the common forms of his office, I should think him as well qualified for it as any man in his Majesty's service.—The reader is requested to observe Lord Rochford's method of authenticating a public instrument. "En soi de quoi, moi soussigné, un des principaux Secre- taires d' Etat S. M. B. ai signé la presente de ma signature ordi- naire, et icille sait apposer le cachet de nos Armes." In three lines there are no less than seven salse concords. But the man does not even know the stile of his office.—If he had known it, he would have said "nous, scussigné Secretaire d'Etat de S. M. B. avens

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dragged your seamen out of your ships; I have loaded you with a grievous weight of insurances.—To the landholder,—I told you war was too probable, when I was determined to submit to any terms of accommodation; I extorted new taxes from you before it was possible they could be wanted, and am now unable to account for the application of them.—To the public creditor,—I have delivered up your fortunes a prey to foreigners and to the vilest of your fellow-subjects. Perhaps this repenting prince might conclude with one general acknowledgment to them all:—I have involved every rank of my subjects in anxiety and distress; and have nothing to offer you in return, but the certainty of national dishonour, an armed truce, and peace without security.

If these accounts were settled, there would still remain an apology to be made to his navy and to his army. To the first he would say, You were once the terror of the world. But go back to your harbours. A man dishonoured as I am, has no use for your service. It is not probable that he would appear again before his soldiers, even in the pacific ceremony of a review *. But wherever he appeared, the humiliating confession would be extorted from him: I have received a blow—and had not spirit to resent it. I demanded satisfaction; and have accepted a declaration, in which the right to strike me again is asserted and confirmed. His countenance at least would speak this language, and even his guards would blush for him.

But to return to our argument.—The ministry, it seems, are labouring to draw a line of distinction between the honour of the Crown and the rights of the People. This new idea has yet been only started in discourse; for in essect both objects have been equally facrificed. I neither understand the distinction, nor what use the mini-

^{*} A mistake. He appears beforethem every day, with the mark of a blow upon his face.—Prob puder!

stry propose to make of it. The King's honour is that of his people. Their real honour and real interest are the same.—I am not contending for a vain punctilio. A clear unblemished character comprehends, not only the integrity that will not offer, but the spirit that will not submit to, an injury; and whether it belongs to an individual or to a community, it is the soundation of peace, of independence, and of safety. Private credit is wealth;—public honour is security.—The seather that adorns the royal bird supports his slight. Strip him of his plumage, and you fix him to the earth.

JUNIUS.

LETTER XLIII.

TO THE PRINTER OF THE PUBLIC ADVER-

I Hope your correspondent Junius is better employed than in answering or reading the criticisms of a newspaper. This is a task from which, if he were inclined to submit to it, his friends ought to relieve him. Upon this principle I shall undertake to answer Anti-Junius; more, I believe, to his conviction than to his satisfaction. Not daring to attack the main body of Junius's last letter, he triumphs in having, as he thinks, surprised an out-post, and cut off a detached argument, a mere straggling proposition. But even in this petty warfare he shall find himself defeated.

Junius does not speak of the Spanish nation as the natural enemies of England. He applies that description, with the strictest truth and justice, to the Spanish Court. From the moment when a Prince of the House of Bourbon ascended that throne, their whole system of government was inwerted, and became hostile to this country. Unity of possession introduced a unity of politics; and Lewis the sourteenth had reason when he said to his grandson, "The Pyrenees are removed." The history of the present century is one continued

confirmation of the prophecy.

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The affertion " That violence and oppression at to home can only be supported by treachery and sub-" mission abroad," is applied to a free people whose rights are invaded, not to the government of a country where despotic or absolute power is confessedly vested in the prince; and with this application the affertion is true. An absolute monarch. having no points to carry at home, will naturally maintain the honour of his crown in all his transactions with foreign powers: But if we could suppose the Sovereign of a free nation, possessed with a defign to make himfelf absolute, he would be inconsistent with himself, if he suffered his projects to be interrupted or embarrassed by a foreign war, unless that war tended, as in some cases it might, to promote his principal defign. Of the three exceptions to this general rule of conduct, (quoted by Anti-Junius), that of Oliver Cromwell is the only one in point. Harry the Eighth, by the fubmission of his parliament, was as absolute a prince as Lewis the Fourteenth. Queen Elifabeth's government was not oppressive to the people; and as to her foreign wars, it ought to be confidered that they were unavoidable. The national honour was not in question: She was compelled to fight in defence of her own person and of her title to the crown. In the common cause of felfish policy, Oliver Cromwell should have cultivated the friendship of foreign powers, or at least have avoided disputes with them, the better to establish his tyranny at home. Had he been only a bad man, he would have facrificed the honour of the nation to the success of his domestic policy. But, with all his crimes, he had the spirit of an EngEnglishman. The conduct of such a man must always be an exception to vulgar rules. He had abilities sufficient to reconcile contradictions, and to make a great nation at the same moment unhappy and formidable. If it were not for the respect I bear the minister, I could name a man, who, without one grain of understanding, can do half as much as Oliver Cromwell.

Whether or no there be a fecret system in the clofet, and what may be the object of it, are questions which can only be determined by appearances, and on which every man must decide for

himfelf.

The whole plan of Junius's letter proves, that he himself makes no distinction between the real honour of the crown and the real interest of the people. In the climax to which your correspondent objects, Junius adopts the language of the Court, and by that conformity gives strength to his argument. He says, that "the King has not" only sacrificed the interests of his people, but (what was likely to touch him more nearly) his personal reputation and the dignity of his crown."

The queries put by Anti-Junius can only be anfwered by the ministry. Abandoned as they are,
I fancy they will not confess that they have, for
fo many years, maintained possession of another
man's property. After admitting the affertion of
the ministry—viz. that the Spaniards had no rightful claim, and after justifying them for saying so;
—it is his business, not mine, to give us some good
reason for their suffering the pretensions of Spain to
be a subject of negociation. He admits the facts;—
let him reconcile them if he can.

The last paragraph brings us back to the original question, Whether the Spanish declaration contains such a satisfaction as the King of Great Britain ought to have accepted. This was the field upon which he ought to have encountered

Junius

Junius openly and fairly. But here he leaves the argument, as no longer defensible. I shall therefore conclude with one general admonition to my fellow-subjects:—That when they hear these matters debated, they should not suffer themselves to be missed by general declamations upon the conveniences of peace, or the miseries of war. Between peace and war, abstractedly, there is not, there cannot, be a question in the mind of a rational being. The real questions are, slave we any security, that the peace we have so dearly purchased will last a twelvementh? and if not,—Have we, or have we not, sacrificed the fairest opportunity of making war with advantage?

PHILO IUNIUS.

LETTER XLIV.

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ADDRESSED TO THE PRINTER OF THE PUBLIC ADVERTISER.

S I'R. APRIL 22. 1771. TO write for profit, without taxing the press; to write-for fame, and to be unknown; -- to support the intrigues of faction, and to be difowned, as a dangerous auxiliary, by every party in the kingdom, are contradictions which the minister must reconcile, before I forfeit my credit with the public. I may quit the fervice, but it would be absurd to suspect me of desertion. The reputation of these papers is an honourable pledge for my attachment to the people. To facrifice a respected character, and to renounce the esteem of fociety, requires more than Mr Wedderburne's refolution; and though in him it was rather a profession than a desertion of his principles, (I speak tenderly of this gentleman, for when treachery is in question I think we should make allowances for a Scotchman), yet we have feen him in U 3

the house of commons overwhelmed with consusion, and almost bereft of his faculties.—But in truth, Sir, I have left no room for an accommodation with the piety of St James's. My offences are not to be redeemed by recantation or repentance. On one side, our warmest patriots would disclaim me as a burthen to their honest ambition. On the other, the vilest prostitution, if Junius could descend to it, would lose its natural merit and influence in the cabinet, and treachery be no longer a recommendation to the royal favour.

The persons who, till within these few years, have been most distinguished by their zeal for highchurch and prerogative, are now, it feems, the great affertors of the privileges of the house of This sudden alteration of their sentiments or language carries with it a suspicious appearance. When I hear the undefined privileges of the popular branch of the legislature exalted by Tories and Jacobites, at the expence of those strict rights, which are known to the subject, and limited by the laws, I cannot but suspect, that some mischievous scheme is in agitation, to destroy both law and privilege, by opposing them to each other. They who have uniformly denied the power of the whole legislature to alter the descent of the crown. and whose ancestors, in rebellion against his Mas jesty's family, have defended that doctrine at the hazard of their lives, now tell us, that privilege of parliament is the only rule of right, and the chief fecutity of the public freedom .- I fear, Sir, that while forms remain, there has been some material change in the substance of our constitution. The opinions of these men were too absurd to be so easily renounced. Liberal minds are open to conviction.-Liberal doctrines are capable of improvement .- There are profelytes from atheifm, but none from superstition.—If their present professions were sincere. I think they could not but

be highly offended at seeing a question, concerning parliamentary privilege, unnecessarily started at a season so unfavourable to the house of commons, and by so very mean and insignificant a person as the minor Onslow. They knew, that the present house of commons, having commenced hostilities with the people, and degraded the authority of the laws by their own example, were likely enough to be resisted per sas et nesas. If they were really friends to privilege, they would have thought the question of right too dangerous to be hazarded at this season, and, without the formality of a convention, would have left it undecided.

I have been filent hitherto, though not from that shameful indifference about the interests of society which too many of us profess, and call moderation. I confess, Sir, that I selt the prejudices of my education, in favour of a house of commons, still hanging about me. I thought that a question, between law and privilege, could never be brought to a formal decision, without inconvenience to the public service, or a manifest diminution of legal liberty;—that it ought therefore to be carefully avoided: and when I saw that the violence of the house of commons had carried them too far to retreat, I determined not to deliver a hasty opinion upon a matter of so much delicacy and importance.

The state of things is much altered in this country since it was necessary to protect our representatives against the direct power of the crown. We have nothing to apprehend from prerogative, but every thing from undue insuence. Formerly it was the interest of the people, that the privileges of parliament should be left unlimited and undefined. At present, it is not only their interest, but I hold it to be essentially necessary to the preservation of the constitution, that the privileges

of parliament should be strictly ascertained, and confined within the narrowest bounds the nature of their institution will admit of. Upon the same principle on which I would have refifted prerogative in the last century, I now resist privilege. It is indifferent to me, whether the crown, by its own immediate act, imposes new, and dispenses with old laws; or whether the fame arbitrary power produces the same effects through the medium of the house of commons. We trusted our representatives with privileges for their own defence and ours. We cannot hinder their defertion, but we can prevent their carrying over their arms to the fervice of the enemy. It will be faid, that I begin with endeavouring to reduce the argument concerning privilege to a mere question of convenience; that I deny at one moment what I would allow at another; and that to refift the power of a prostituted house of commons, may establish a precedent injurious to all future parliaments -To this I answer generally, that human affairs are in no instance governed by strict positive right. If change of circumstances were to have no weight in directing our conduct and opinions, the mutual intercourse of mankind would be nothing more than a contention between positive and equitable right. Society would be a state of war, and law itself would be injustice. On this general ground, it is highly reasonable, that the degree of our fubmission to privileges which have never been defined by any positive law, should be confidered as a question of convenience, and proportioned to the confidence we repose in the integrity of our representatives. As to the injury we may do to any future and more respectable house of commons, I own I am not now fanguine enough to expect a more plentiful harvest of parliamentary virtue in one year than another. Our political climate is feverely altered; and without dwelling upon

upon the depravity of modern times, I think no reasonable man will expect, that, as human nature is constituted, the enormous influence of the crown should cease to prevail over the virtue of individuals. The mischief lies too deep to be cured by any remedy, less than some great convulfion, which may either carry back the constitution to its original principles, or utterly destroy it. I do not doubt, that, in the first session after the next election, some popular measures may be adopted. The present house of commons have injured themselves by a too early and public profesfion of their principles; and if a strain of prostitution, which had no example, were within the reach of emulation, it might be imprudent to hazard the experiment too foon. But after all, Sir. it is very immaterial whether a house of commons shall preserve their virtue for a week, a month, or a year. The influence, which makes a septennial parliament dependent upon the pleasure of the crown, has a permanent operation, and cannot fail of fuccess.-My premises, I know, will be denied in argument; but every man's conscience tells him they are true. It remains then to be considered, whether it be for the interest of the people, that privilege of parliament (which *, in respect to the purposes for which it has hitherto been acquiesced under, is merely nominal) should be contracted within some certain limits? or whether the subject shall be left at the mercy of a power,

^{*} The necessity of securing the house of commons against the King's power, so that no interruption might be given either to the attendance of the members in parliament, or to the freedom of debate, was the soundation of parliamentary privilege; and we may observe, in all the addresses of new-appointed Speakers to the Sovereign, the utmost privilege they demand is liberty of speech and freedom from arress. The very word privilege means no more than immunity, or a safeguard to the party who possesses, and can never be construed into an active power of invading the rights of others.

power, arbitrary upon the face of it, and noto-

riously under the direction of the crown.

I do not mean to decline the question of right : on the contrary, Sir, I join issue with the advocates for privilege; and affirm, that, " excepting " the cases wherein the house of commons are a " court of judicature, (to which, from the na-" ture of their office, a coercive power must be-" long), and excepting such contempts as immediately interrupt their proceedings, they have " no legal authority to imprison any man for any " fupposed violation of privilege whatsoever."-It is not pretended that privilege, as now claimed, has ever been defined or confirmed by statute; neither can it be faid, with any colour of truth, to be a part of the common law of England, which had grown into prescription long before we knew any thing of the existence of a house of commons. As for the law of parliament, it is only another name for the privilege in question; and fince the power of creating new privileges has been formally renounced by both houses,-fince there is no code in which we can fludy the law of parliament, we have but one way left to make ourselves acquainted with it, -that is, to compare the nature of the institution of a house of commons with the facts upon record. To establish a claim of privilege in either house, and to distinguish original right from usurpation, it must appear, that it is indispensably necessary for the performance of the duty they are employed in, and also that it has been uniformly allowed. From the first part of this description, it follows clearly, that whatever privilege does of right belong to the prefent house of commons, did equally belong to the first affembly of their predecessors; was as completely vested in them, and might have been exercised in the fame extent. From the second, we must infer, that privileges, which for feveral centuries were

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not only never allowed, but never even claimed by the house of commons, must be founded upon usurpation. The constitutional duties of a house of commons are not very complicated nor mysterious. They are to propose or assent to wholesome laws for the benefit of the nation. They are to grant the necessary aids to the king; petition for the redrefs of grievances; and profecute treason or high crimes against the state. If unlimited privilege be necessary to the performance of these duties, we have reason to conclude, that, for many centuries after the institution of the house of commons, they were never performed. I am not bound to prove a negative; but I appeal to the English history, when I affirm, that, with the exceptions already stated, (which yet I might safely relinquish), there is no precedent from the year 1265 to the death of Queen Elizabeth, of the house of commons having imprisoned any man (not a member of their house) for contempt or breach of privilege. In the most flagrant cases, and when their acknowledged privileges were most grossly violated, the poor Commons, as they then flyled themselves, never took the power of punishment into their own hands. They either fought redress by petition to the King, or, what is more remarkable, applied for justice to the bouse of lords; and when fatisfaction was denied them or delayed, their only remedy was to refuse proceeding upon the King's bufinefs. So little conception had our ancestors of the monstrous doctrines now maintained concerning privilege, that, in the reign of Elizabeth, even liberty of speech, the vital principle of a deliberative affembly, was restrained by the Queen's authority to a simple aye or no; and this restriction, though imposed upon three successive parliaments *, was never once difputed by the house of commons. Tieroter, or appeals to a mightimet, who ac-

In the years 1593-1597-and 1601.

I know there are many precedents of arbitrary commitments for contempt: but, besides that they are of too modern a date to warrant a prefumption that fuch a power was originally vested in the house of commons,-Fast alone does not conftitute Right. If it does, general warrants were lawful.—An ordinance of the two houses has a force equal to law; and the criminal jurisdiction affumed by the Commons in 1621, in the case of Edward Loyd, is a good precedent, to warrant the like proceedings against any man, who shall unadvisedly mention the folly of a king, or the ambition of a princess. The truth is, Sir, that the greatest and most exceptionable part of the privileges now contended for, were introduced and afferted by a house of commons which abolished both monarchy and peerage, and whose proceedings, although they ended in one glorious act of fubstantial justice, could no way be reconciled to the forms of the constitution. Their successors profited by the example, and confirmed their power by a moderate or a popular use of it. Thus it grew by degrees, from a notorious innovation at one period, to be tacitly admitted as the privilege of parliament at another.

If, however, it could be proved, from confiderations of necessity or convenience, that an unlimited power of commitment ought to be intrusted to the house of commons, and that in fast they have exercised it without opposition, still, in contemplation of law, the presumption is strongly against them. It is a leading maxim of the laws of England, (and without it all laws are nugatory), that there is no right without a remedy, nor any legal power without a legal course to carry it into effect. Let the power now in question be tried by this rule. The speaker issues his warrant of attachment. The party attached either resists force with force, or appeals to a magistrate, who declares

elares the warrant illegal, and discharges the prifoner. Does the law provide no legal means for enforcing a legal warrant? Is there no regular proceeding pointed out in our law-books to affert and vindicate the authority of fo high a court as the house of commons? The question is answered directly by the fact. Their unlawful commands are refisted, and they have no remedy. The imprisonment of their own members is revenge indeed, but it is no affertion of the privilege they contend for *. Their whole proceeding stops; and there they stand, ashamed to retreat, and unable to advance. Sir, these ignorant men should be informed, that the execution of the laws of England is not left in this uncertain defencelefs condition. If the process of the courts of Westminster-hall be refisted, they have a direct course fufficient to enforce submission. The court of King's-Bench commands the sheriff to raise the posse comitatus. The courts of Chancery and Exchequer iffue a writ of rebellion, which must also be supported, if necessary, by the power of the county .- To whom will our honest representatives direct their writ of rebellion? The guards, I doubt not, are willing enough to be employed; but they know nothing of the doctrine of writs, and may think it necessary to wait for a letter from Lord Barrington.

It may now be objected to me, that my arguments prove too much; for that certainly there may be instances of contempt and insult to the house of commons, which do not fall within my own exceptions, yet, in regard to the dignity of the house, ought not to pass unpunished. Be it

* Upon their own principles, they should have committed Mr Wilkes, who had been guilty of a greater offence than even the Lord Mayor or Alderman Oliver. But after repeatedly ordering him to attend, they at last adjourned beyond the day appointed for his attendance; and by this mean, pitiful evasion, gave up the point.—Such is the force of conscious guilt!

fo.- The courts of criminal jurifdiction are open to profecutions, which the Attorney-General may commence by information or indictment. A libel, tending to asperse or vilify the house of commons, or any of their members, may be as severely punished in the court of King's Bench as a libel upon the King. Mr De Grey thought fo, when he drew up the information upon my letter to his Majesty, or he had no meaning in charging it to he a fcandalous libel upon the house of commons. In my opinion, they would confult their real dignity much better, by appealing to the laws when they are offended, than by violating the first principle of natural justice, which forbids us to be judges when we are parties to the cause *."

I do not mean to purfue them through the remainder of their proceedings. In their first resolutions, it is possible they might have been deceived by ill-confidered precedents. For the reft, there is no colour of palliation or excuse. They have advised the king to resume a power of dispenfing with the laws by royal proclamation +; and Kings, we see, are ready enough to follow such To Mir

was a good lawyer, but no prophet. † That their practice might be every way conformable to their principles; the house proceeded to advise the crown to publish a proclamation, universally acknowledged to be illegal. Mr Moreton publicly protested against it before it was issued; and Lord Mansfield, though not ferupulous to an extreme, speaks of it with horror. It is remarkable enough, that the very men who advised the proclamation, and who hear it arraigned every day both within doors and without, are not daring enough to utter one word in its defence; nor have they ventured to take the least notice of Mr Wilkes for discharging the persons apprehended under it.

^{* &}quot; If it be demanded, in case a subject should be committed by either house for a matter manifestly out of their jurisdiction, what remedy can he have? I answer, That it cannot well be " imagined, that the law, which favours nothing more than the liberty of the subject, should give us a remedy against commit-" ments by the King himself, appearing to be illegal, and yet give " us no manner of redrefs against a commitment by our fellow-" subjects, equally appearing to be unwarranted. But as this is a case which I am persuaded will never happen, it seems needless over-nicely to examine it."-Hawkins, ii, 110.-N. B. He

advice.—By mere violence, and without the shadow of right, they have expunged the record of a judicial proceeding †. Nothing remained, but to attribute to their own vote a power of stopping the whole distribution of criminal and civil justice.

The public virtues of the chief magistrate have long fince ceased to be in question. But it is faid, that he has private good qualities; and I myself have been ready to acknowledge them. They are now brought to the test. If he loves his people, he will dissolve a parliament, which they can never confide in or respect.- If he has any regard for his own honour, he will disdain to be any longer connecled with such abandoned prostitution. But, if it were conceivable, that a King of this country had loft all fense of personal honour, and all concern for the welfare of his subjects, I confess, Sir, I should be contented to renounce the forms of the constitution once more, if there were no other way to obtain substantial justice for the people *. X 2 JUNIUS.

+ Lord Chatham very properly called this the aft of a mob,

not of a senate.

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When Mr Wilkes was to be punished, they made no scruple about the privileges of parliament: and although it was as well known as any matter of public record and uninterrupted custom could be, that the members of either house are privileged, except in case of treason, felony, or breach of peace, they declared without he-fitation, that privilege of parliament did not extend to the case of a seditions libel; and undoubtedly they would have done the fame if Mr Wilkes had been profecuted for any other misdemeanour whatfoever. The ministry are of a sudden grown wonderfully careful of privileges, which their predecessors were as ready to invade. The known laws of the land, the rights of the subject, the fanctity of charters, and the reverence due to our magistrates, must all give way, without question or resistance, to a privilege of which no man knows either the origin or the extent. The house of commons judge of their own privileges without appeal;-they may take offence at the most innocent action, and imprison the person who offends them during their arbitrary will and pleasure. The party has no remedy;—he cannot appeal from their jurisdiction; and if he questions the privilege which he is supposed to have violated, it becomes an aggravation of his offence. Surely this doctrine is not to be found in Magna Charta. If it be admitted without limitation, I affirm that there is neither law nor liberty in this

LETTER XLV.

TO THE PRINTER OF THE PUBLIC ADVER-

SIR. MAY 1. 1771. THEY who object to detached parts of Junius's last letter, either do not mean him fairly, or have not confidered the general scope and course of his argument.—There are degrees in all the private vices: - Why not in public prostitution? -The influence of the crown naturally makes a septennial parliament dependent.-Does it follow that every house of commons will plunge at once into the lowest depths of prostitution?- Junius supposes, that the present house of commons, in going fuch enormous lengths, have been imprudent to themselves, as well as wicked to the public; that their example is not within the reach of emulation; -and that, in the first fession after the next election, some popular measures may probably be adopted. He does not expect that a diffolution of parliament will destroy corruption, but that at least it will be a check and terror to their succesfors, who will have feen that, in flagrant cases, their constituents can and will interpose with effect. -After all, Sir, will you not endeavour to remove or alleviate the most dangerous symptoms, because you cannot eradicate the disease? Will you not punish treason or parricide, because the fight of a gibbet does not prevent highway robberies? When the main argument of Junius is admitted to be unanswerable, I think it would become the minor critic, who hunts for blemishes, to be a little more distrustful of his own fagacity.- The other objection is hardly worth an answer. When Junius observes, that Kings are ready enough to follow fuch advice, he does not mean to infinuate, that,

kingdom. We are the flaves of the house of commons; and, thro' them, we are the slaves of the King and his ministers. Anonymous.

if the advice of parliament were good, the King would be so ready to follow it.

PHILO JUNIUS.

LETTER XLVI.

ADDRESSED TO THE PRINTER OF THE PUBLIC

SIR, MAY 22. 1771. TIERY early in the debate upon the decision of the Middlesex election, it was well observed by Junius, that the house of commons had not only exceeded their boafted precedent of the expullion and subsequent incapacitation of Mr Walpole, but that they had not even adhered to it strictly as far as it went. After convicting Mr Dyson of giving a false quotation from the journals, and having explained the purpose which that contemptible fraud was intended to answer, he proceeds to state the vote itself by which Mr Walpole's supposed incapacity was declared, -viz. "Refolved, That Robert Walpole, Efg; having " been this session of parliament committed a pri-" foner to the Tower, and expelled this house for " a high breach of trust in the execution of his of-" fice, and notorious corruption when fecretary "at war, was, and is, incapable of being elected " a member to ferve in this present parliament:" -And then observes, that, from the terms of the vote, we have no right to annex the incapacitation to the expulsion only; for that, as the proposition stands, it must arise equally from the expulsion and the commitment to the Tower. I believe. Sir, no man, who knows any thing of dialectics. or who understands English, will dispute the truth and fairness of this construction. But Junius has a great authority to support him; which, to speak with the Duke of Grafton, I accidentally met with this

this morning in the course of my reading. It contains an admonition, which cannot be repeated too often. Lord Sommers, in his excellent Tract upon the Rights of the People, after reciting the votes of the convention of the 28th of January 1689, viz.-" That King James the Second, ha-" ving endeavoured to subvert the constitution of " this kingdom, by breaking the original contract between King and People; and, by the advice of " Jesuits and other wicked persons, having violated " the laws, and having withdrawn himself out of this kingdom, hath abdicated the government, " &c."-makes this observation upon it: " The word abdicated relates to all the clauses aforegoing, as well as to his deferting the kingdom, or " else they would have been wholly in vain." And, that there might be no pretence for confining the abdication merely to the withdrawing, Lord Sommers farther observes, That King James, by refufing to govern us according to that law by which he beld the crown, did implicitly renounce his title to it.

If Junius's construction of the vote against Mr Walpole be now admitted, (and indeed I cannot comprehend how it can honestly be disputed), the advocates of the house of commons must either give up their precedent entirely, or be reduced to the necessity of maintaining one of the grossest absurdations imaginable, viz. "That a commitment to the Tower is a constituent part of, and contributes half at least to, the incapacitation of the person

" who fuffers it."

I need not make you any excuse for endeavouring to keep alive the attention of the public to the
decision of the Middlesex election. The more I
consider it, the more I am convinced, that, as a
fall, it is indeed highly injurious to the rights of
the people; but that, as a precedent, it is one of
the most dangerous that ever was established against
those who are to come after us. Yet I am so far

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a moderate man, that I verily believe the majority of the house of commons, when they passed this dangerous vote, neither understood the question, nor knew the consequence of what they were do-Their motives were rather despicable, than criminal in the extreme. One effect they certainly did not foresee. They are now reduced to such a fituation, that if a member of the present house of commons were to conduct himself ever so improperly, and in reality deserve to be sent back to his constituents with a mark of disgrace, they would not dare to expel him; because they know that the people, in order to try again the great question of right, or to thwart an odious house of commons, would probably overlook his immediate unworthiness, and return the same person to parliament.—But, in time, the precedent will gain strength. A future house of commons will have no fuch apprehensions, consequently will not fcruple to follow a precedent which they did not establish. The miser himself seldom lives to enjoy the fruit of his extortion; but his heir fucceeds to him of courfe, and takes possession without censure. No man expects him to make restitution; and, no matter for his title, he lives quiet-PHILO JUNIUS. ly upon the estate.

LETTER XLVII.

TO THE PRINTER OF THE PUBLIC ADVER-

I Confess my partiality to Junius, and feel a confiderable pleasure in being able to communicate any thing to the public in support of his opinions. The doctrine laid down in his last letter, concerning the power of the house of commons to commit for contempt, is not so new as it appeared

appeared to many people; who, dazzled with the name of privilege, had never fuffered themselves to examine the question fairly. In the course of my reading this morning, I met with the following passage in the Journals of the House of Commons, (Vol. I. page 603.) Upon occasion of a jurisdiction unlawfully affumed by the house in the year 1621, Mr Attorney General Nove gave his opinion as follows: " No doubt but, in some cases, this " house may give judgment; -in matters of re-" turns, and concerning members of our house, or falling out in our view in parliament; but, of for foreign matters, knoweth not how we can " judge it .- Knoweth not that we have been used " to give judgment in any case, but those before-" mentioned."

Sir Edward Coke, upon the same subject, says, (page 604.) "No question but this is a house of record, and that it hath power of judicature in fome cases;—have power to judge of returns and members of our house; one, no member, offending out of the parliament, when he came thither and justified it, was censured for it."

Now, Sir, if you will compare the opinion of these great sages of the law with Junius's doctrine, you will find they tally exactly.—He allows the power of the house to commit their own members; (which, however, they may grossly abuse:) He allows their power in cases where they are acting as a court of judicature, viz. elections, returns, &c:—And he allows it in such contempts as immediately interrupt their proceedings; or, as Mr Noye expresses it, falling out in their view in parliament.

They who would carry the privileges of parliament farther than Junius, either do not mean well to the public, or know not what they are doing. The government of England is a government of law. We betray ourselves, we contradict the spi-

rit of our laws, and we shake the whole system of English jurisprudence, whenever we intrust a discretionary power over the life, liberty, or fortune of the subject, to any man or set of men whatsoever, upon a presumption that it will not be abused. PHILOIUNIUS.

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LETTER XLVIII.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

SIR. MAY 28. 1771. A NY man, who takes the trouble of peruling the journals of the house of commons, will foon be convinced, that very little, if any regard at all, ought to be paid to the resolutions of one branch of the legislature, declaratory of the law of the land, or even of what they call the law of parliament. It will appear that these resolutions have no one of the properties, by which, in this country particularly, law is distinguished from mere will and pleasure; but that, on the contrary, they bear every mark of a power arbitrarily affumed, and capriciously applied :- That they are usually made in times of contest, and to serve some unworthy purpose of passion or party; -that the law is feldom declared until after the fact by which it is supposed to be violated; -that legislation and jurisdiction are united in the same persons, and exercised at the same moment; -and that a court, from which there is no appeal, affumes an original jurisdiction in a criminal case: in short, Sir, to collect a thousand absurdities into one mass, " we " have a law, which cannot be known because it " is ex post facto, the party is both legislator and "judge, and the jurisdiction is without appeal." Well might the judges say, The law of parliament is above us.

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You will not wonder, Sir, that, with these qualifications, the declaratory resolutions of the house of commons should appear to be in perpetual contradiction, not only to common fense and to the laws we are acquainted with, (and which alone we can obey), but even to one another. I was led to trouble you with these observations by a passage, which, to speak in lutestring, I met with this morning in the course of my reading, and upon which I mean to put a question to the advocates for privilege.-On the 8th of March 1704, (vide Journals, Vol. XIV. p. 565.) the house thought proper to come to the following resolutions .- 1. "That no " commoner of England, committed by the house " of commons for breach of privilege, or contempt " of that house, ought to be, by any writ of Ha-" beas Corpus, made to appear in any other place, " or before any other judicature, during that fef-" fion of parliament wherein such person was fo " committed."

"house, do make no return of or yield any obedience to the said writs of Habeas Corpus; and,
for such his resusal, that he have the protection of the house of commons *."

Welbore Ellis, What fay you? Is this the law of parliament, or is it not? I am a plain man, Sir, and cannot follow you through the phlegmatic forms of an oration. Speak out, Grildrig; fay yes, or no.—If you fay yes, I shall then inquire by what

If there be in reality any such law in England as the law of parliament, which (under the exceptions stated in my letter on privilege) I confess, after long deliberation, I very much doubt, it certainly is not constituted by, nor can it be collected from, the resolutions of either house, whether enasting or declaratory. I defire the reader will compare the above resolution of the year 1704, with the following of the 3d of April 1628.—" Resolved, That "the writ of Habeas Corpus cannot be denied, but ought to be granted to every man that is committed or detained in prison, or otherwise restrained, by the command of the King, the Privy Council, or any other, he praying the same."

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authority Mr. De Grey, the honest Lord Mansfield. and the Barons of the Exchequer, dared to grant a writ of Habeas Corpus for bringing the bodies of the Lord Mayor and Mr Oliver before them; and why the Lieutenant of the Tower made any return to a writ, which the house of commons had, in a fimilar instance, declared to be unlawful .- If you fay no, take care you do not at once give up the cause in support of which you have so long and so laboriously tortured your understanding. Take care you do not confess that there is no test by which we can distinguish, -no evidence by which we can determine, what is, and what is not, the law of parliament. The resolutions I have quoted stand upon your journals, uncontroverted and unrepealed:-they contain a declaration of the law of parliament by a court competent to the question, and whose decision, as you and Lord Mansfield fay, must be law, because there is no appeal from it; and they were made, not haltily, but after long deliberation upon a constitutional question. -What farther fanction or folemnity will you annex to any resolution of the present house of commons, beyond what appears upon the face of those two resolutions, the legality of which you now deny? If you fay that parliaments are not infallible; and that Queen Anne, in consequence of the violent proceedings of that house of commons, was obliged to prorogue and diffolve them; I shall agree with you very heartily, and think that the precedent ought to be followed immediately. But you, Mr Ellis, who hold this language, are inconfiftent with your own principles. You have hitherto maintained that the house of commons are the fole judges of their own privileges, and that their declaration does ipso facto constitute the law of parliament: yet now you confess that parliaments are fallible, and that their refolutions may be illegal; consequently that their resolutions do

not constitute the law of parliament. When the King was urged to dissolve the present parliament, you advised him to tell his subjects, that he was careful not to assume any of those powers which the constitution had placed in other hands, &c. Yet Queen Anne, it seems, was justified in exerting her prerogative to stop a house of commons, whose proceedings, compared with those of the assembly of which you are a most worthy member, were the perfection of justice and reason.

In what a labyrinth of nonsense does a man involve himself who labours to maintain salsehood by argument? How much better would it become the dignity of the house of commons to speak plainly to the people, and tell us at once, that their will must be obeyed, not because it is lawful and reasonable, but because it is their will? Their constituents would have a better opinion of their candour, and, I promise you, not a worse opinion

of their integrity.

PHILO JUNIUS.

LETTER XLIX.

TO HIS GRACE THE DUKE OF GRAFTON.

THE profound respect I bear to the gracious Prince who governs this country with no less honour to himself than satisfaction to his subjects, and who restores you to your rank under his standard, will save you from a multitude of reproaches. The attention I should have paid to your failings is involuntarily attracted to the hand that rewards them; and though I am not so partial to the royal judgment, as to affirm, that the savour of a King can remove mountains of insamy, it serves to lessen at least, for undoubtedly it divides, the burden. While I remember how much is due to his sacred cha-

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character, I cannot, with any decent appearance of propriety, call you the meanest and the basest fellow in the kingdom. I protest, my Lord, I do not think you fo. You will have a dangerous rival in that kind of fame to which you have hitherto fo happily directed your ambition, as long as there is one man living who thinks you worthy of his confidence, and fit to be trufted with any share in his government. I confess you have great intrinsic merit; but take care you do not value it too highly. Consider how much of it would have been loft to the world, if the King had not graciously affixed his stamp, and given it currency among his subjects. If it be true that a virtuous man, struggling with adversity, be a scene worthy of the gods, the glorious contention between you and the best of Princes deserves a circle equally attentive and respectable: I think I already see other gods rifing from the earth to behold it.

But this language is too mild for the occasion. The King is determined that our abilities shall not be loft to fociety. The perpetration and description of new crimes will find employment for us both. My Lord, if the persons who have been loudest in their professions of patriotism, had done their duty to the public with the same zeal and perseverance that I did, I will not affert that government would have recovered its dignity, but at least our gracious Sovereign must have spared his subjects this last infult *; which, if there be any feeling left among us, they will refent more than even the real injuries they received from every measure of your Grace's administration. In vain would he have looked round him for another character so consummate as your's. Lord Mansfield shrinks from his principles; -his ideas of government perhaps go farther than your own, but his heart difgraces the theory of his understanding .-

[.] The Duke was lately appointed Lord Privy Seal.

Charles Fox is yet in bloffom; and as for Mr Wedderburne, there is fomething about him which even treachery cannot trust. For the present, therefore, the best of Princes must have contented himself with Lord Sandwich.-You would long fince have received your final dismission and reward; and I, my Lord, who do not efteem you the more for the high office you poffels, would willingly have followed you to your retirement. There is furely fomething fingularly benevolent in the character of our Sovereign. From the moment he ascended the throne, there is no crime, of which human nature is capable, (and I call upon the Recorder to witness it), that has not appeared venial in his fight. With any other Prince, the shameful desertion of him in the midst of that diftress which you alone had created, -in the very crisis of danger, when he fancied he saw the throne already furrounded by men of virtue and abilities, would have outweighed the memory of your former fervices. But his Majesty is full of justice, and understands the doctrine of compensations. He remembers with gratitude how foon you had accommodated your morals to the necessity of his fervice; -how cheerfully you had abandoned the engagements of private friendship, and renounced the most folemn professions to the public. The facrifice of Lord Chatham was not lost upon him. Even the cowardice and perfidy of deferting him may have done you no differvice in his esteem. The inftance was painful, but the principle might please.

You did not neglect the magistrate, while you flattered the man. The expulsion of Mr Wilkes, predetermined in the cabinet;—the power of depriving the subject of his birthright, attributed to a resolution of one branch of the legislature;—the constitution impudently invaded by the house of commons;—the right of defending it treacherously

renounced by the house of lords-These are the strokes, my Lord, which, in the present reign, recommend to office, and constitute a minister. They would have determined your Sovereign's judgment, if they had made no impression upon his heart. We need not look for any other fpecies of merit to account for his taking the earliest opportunity to recal you to his councils. Yet you have other merit in abundance. --- Mr Hine, -the Dake of Portland, and Mr Yorke:-Breach of trust, robbery, and murder. You would think it a compliment to your gallantry, if I added rape to the catalogue; -but the stile of your amours secures you from refistance. I know how well these several charges have been defended. In the first instance, the breach of trust is supposed to have been its own reward. Mr Bradshaw affirms upon his honour, (and fo may the gift of smiling never depart from him!) that you referved no part of Mr Hine's purchase-money for your own use, but that every shilling of it was scrupulously paid to Governor Burgoyne.-Make hafte, my Lord; -another patent, applied in time, may keep the OAKS * in the family.—If not, Birnham-Wood, I fear, must come to the Macaroni.

The Duke of Portland was in life your earliest friend. In defence of his property he had nothing to plead but equity against Sir James Lowther, and prescription against the crown. You selt for your friend; but the law must take its course. Posterity will scarce believe that Lord Bute's son-in-law had barely interest enough at the treasury to get his grant completed before the general elec-

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Burgovne, about this time advertised

 A fuperb villa of Col. Burgoyne, about this time advertised for fale.

[†] It will appear by a subsequent letter, that the Duke's precipitation proved fatal to the grant. It looks like the hurry and confusion of a young highwayman, who takes a few shillings, but leaves the purse and watch behind him.—And yet the Duke was an old offender!

Enough has been faid of that detestable tranfaction which ended in the death of Mr Yorke; —I cannot speak of it without horror and compasfion. To excuse yourself, you publicly impeach your accomplice; and to his mind perhaps the accusation may be flattery. But in murder you are both principals. It was once a question of emulation; and, if the event had not disappointed the immediate schemes of the closet, it might still have been a hopeful subject of jest and merriment between you.

This letter, my Lord, is only a preface to my future correspondence. The remainder of the summer shall be dedicated to your amusement. I mean now and then to relieve the severity of your morning studies, and to prepare you for the business of the day. Without pretending to more than Mr Bradshaw's sincerity, you may rely upon my at-

tachment as long as you are in office.

Will your Grace forgive me, if I venture to express some anxiety for a man whom I know you do not love? My Lord Weymouth has cowardice to plead, and a desertion of a later date than your own. You know the privy-seal was intended for him; and, if you consider the dignity of the post he deserted, you will hardly think it decent to quarter him on Mr Rigby. Yet he must have bread, my Lord;—or rather he must have wine. If you deny him the cup, there will be no keeping him within the pale of the ministry. JUNIUS.

LETTER L.

TO HIS GRACE THE DUKE OF GRAFTON.

My Lord, July 9. 1771.

THE influence of your Grace's fortune still seems to preside over the treasury.—The genius of Mr

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Mr Bradshaw inspires Mr Robinson *. How remarkable it is, (and I speak of it not as matter of reproach, but as fomething peculiar to your character), that you have never yet formed a friendship which has not been fatal to the object of it; nor adopted a cause, to which, one way or other, you have not done mischief! Your attachment is infamy while it lasts; and, which ever way it turns, leaves ruin and difgrace behind it. The deluded girl who yields to fuch a profligate. even while he is constant, forfeits her reputation as well as her innocence, and finds herfelf abandoned at last to misery and shame.—Thus it hap-pened with the best of Princes. Poor Dingley too !- I protest I hardly know which of them we ought most to lament; the unhappy man who finks under the fenfe of his dishonour, or him who furvives it. Characters, so finished, are placed beyond the reach of panegyric. Death has fixed his feal upon Dingley; and you, my Lord, have fet your mark upon the other.

The only letter I ever addressed to the King was fo unkindly received, that I believe I shall never presume to trouble his Majesty in that way again. But my zeal for his fervice is superior to neglect; and, like Mr Wilkes's patriotifm, thrives by persecution. Yet his Majesty is much addicted to useful reading; and, if I am not ill informed, has honoured the Public Advertiser with particular attention. I have endeavoured therefore, and not without fuccess, (as perhaps you may remember), to furnish it with such interesting and edifying intelligence, as probably would not reach him thro' any other channel. The services you have done the nation,-your integrity in office, and fignal fidelity to your approved good Matter, have been faith-

^{*} By an intercepted letter from the Secretary of the Treasury, it appeared, that the friends of government were to be very aslive in supporting the ministerial nomination of sherists.

faithfully recorded. Nor have his own virtues been entirely neglected. These letters, my Lord, are read in other countries and in other languages; and I think I may affirm without vanity, that the gracious character of the best of Princes, is by this time not only perfectly known to his subjects, but tolerably well understood by the rest of Europe. In this respect alone I have the advantage of Mr Whitehead. His plan, I think, is too narrow. He seems to manusacture his verses for the sole use of the hero who is supposed to be the subject of them; and, that his meaning may not be exported in foreign bottoms, sets all translation at defiance.

Your Grace's re-appointment to a feat in the cabinet, was announced to the public by the ominous return of Lord Bute to this country. When that noxious planet approaches England, he never fails to bring plague and pestilence along with him. The King already feels the malignant effect of your influence over his councils. Your former administration made Mr Wilkes an alderman of London, and representative of Middlesex. Your next appearance in office is marked with his election to the shrievalty. In whatever measure you are concerned, you are not only disappointed of fuccess, but always contrive to make the government of the best of Princes contemptible in his own eyes, and ridiculous to the whole world. Making all due allowance for the effect of the minister's declared interposition, Mr Robinson's activity, and Mr Horne's new zeal in support of administration, we still want the genius of the Duke of Grafton to account for committing the whole interest of government in the city to the conduct of Mr Harley. I will not bear hard upon your faithful friend and emissary Mr Touchit; for I know the difficulties of his fituation, and that a few lottery-tickets are of use to his œconomy. There

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There is a proverb concerning persons in the predicament of this gentleman, which, however, cannot be strictly applied to him: They commence dupes, and finish knaves. Now Mr Touchit's character is uniform. I am convinced that his fentiments never depended upon his circumstances, and that in the most prosperous state of his fortune he was always the very man he is at present. -But was there no other person of rank and confequence in the city, whom government could confide in, but a notorious Jacobite? Did you imagine that the whole body of the Diffenters, that the whole Whig-interest of London, would attend at the levee, and submit to the directions of a notorious Jacobite? Was there no Whig magistrate in the city, to whom the servants of George the Third could intrust the management of a business so very interesting to their master as the election of sheriffs? Is there no room at St James's but for Scotchmen and Jacobites? My Lord, I do not mean to question the fincerity of Mr Harley's attachment to his Majesty's government. Since the commencement of the present reign, I have feen still greater contradictions reconciled. The principles of these worthy Jacobites are not fo abfurd as they have been reprefented. Their ideas of divine right are not fo much annexed to the person or family, as to the political character of the fovereign. Had there ever been an honest man among the Stuarts, his Majesty's present friends would have been Whigs upon principle. But the conversion of the best of Princes has removed their scruples. They have forgiven him the fins of his Hanoverian ancestors, and acknowledge the hand of Providence in the descent of the crown upon the head of a true Stuart. In you, my Lord, they also behold, with a kind of predilection which borders upon loyalty. the natural representative of that illustrious family.

mily. The mode of your descent from Charles the Second, is only a bar to your pretentions to the crown, and no way interrupts the regularity of your succession to all the virtues of the Stuarts.

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The unfortunate success of the Reverend Mr Horne's endeavours, in support of the ministerial nomination of sheriffs, will, I fear, obstruct his preferment. Permit me to recommend him to your Grace's protection. You will find him copiously gifted with those qualities of the heart, which usually direct you in the choice of your friendships. He too was Mr Wilkes's friend, and as incapable as you are of the liberal refentment of a gentleman. No, my Lord-it was the folitary vindictive malice of a monk, brooding over the infirmities of his friend until he thought they quickened into public life, and feafting with a rancorous rapture upon the fordid catalogue of hisdistresses. Now let him go back to his cloister. The church is a proper retreat for him. In his principles he is already a bishop.

The mention of this man has moved me from my natural moderation. Let me return to your Grace. You are the pillow upon which I am determined to rest all my resentments. What idea can the best of Sovereigns form to himself of his own government?—In what repute can he conceive that he stands with his people, when he sees, beyond the possibility of a doubt, that, whatever be the office, the suspicion of his savour is satal to the candidate; and that when the party he wishes well to has the sairest prospect of success, if his royal inclination should unfortunately be discovered, it drops like an acid, and turns the election?

This event, among others, may perhaps contribute to open his Majesty's eyes to his real honour and interest. In spite of all your Grace's ingenuity, he may at last perceive the inconvenience of selecting, with such a curious felicity, every villain

villain in the nation to fill the various departments of his government. Yet I should be forry to confine him in the choice either of his footmen or his friends.

JUNIUS.

LETTER LI.

FROM THE REVEREND MR HORNE TO JUNIUS.

JULY 13. 1771. SIR. FARCE, Comedy, and Tragedy, -Wilkes, Foote, and Junius, united at the same time against one poor Parson, are fearful odds. The two former are only labouring in their vocation; and may equally plead in excuse, that their aim is a livelihood. I admit the plea for the fecond; his is an honest calling, and my clothes were lawful game: but I cannot fo readily approve Mr Wilkes, or commend him for making patriotism a trade, and a fraudulent trade. But what shall I say to Junius? the grave, the folemn, the didactic! Ridicule indeed has been ridiculously called the test of truth; but furely, to confess that you lose your natural moderation when mention is made of the man, does not promise much truth or justice when you speak of him yourself.

You charge me with "a new zeal in support of administration," and with "endeavours in fupport of the ministerial nomination of Shewing riffs." The reputation which your talents have deservedly gained to the signature of Junius, draws from me a reply, which I distained to give to the anonymous lies of Mr Wilkes. You make frequent use of the word Gentleman; I only call myself a Man, and desire no other distinction: If you are either, you are bound to make good your charges, or to confess that you have done me a

hafty injustice upon no authority.

I put the matter fairly to iffue.—I fay, that fo

far from any " new zeal in support of administration," I am possessed with the utmost abhorrence of their measures; and that I have ever shown myfelf, and am still ready, in any national manner, to lay down all I have-my life, in opposition to those measures. I say, that I have not, and never have had, any communication or connection of any kind, directly or indirectly, with any courtier or ministerial man, or any of their adherents: that I never have received, or folicited, or expected, or defired, or do now hope for, any reward of any fort, from any party or fet of men in administration or opposition. I say, that I never used any "endeavours in support of the " ministerial nomination of Sheriffs;" that I did not folicit any one liveryman for his vote for any one of the candidates, nor employ any other perfon to folicit; and that I did not write one fingle line or word in favour of Messre Plumbe and Kirkman, whom I understand to have been supported by the ministry.

You are bound to refute what I here advance, or to lose your credit for veracity. You must produce facts: surmise and general abuse, in however elegant language, ought not to pass for proofs. You have every advantage; and I have every disadvantage: you are unknown; I give my name. All parties, both in and out of administration, have their reasons (which I shall relate hereafter) for uniting in their wishes against me: and the popular prejudice is as strongly in your favour, as

it is violent against the Parson.

Singular as my present situation is, it is neither painful, nor was it unforeseen. He is not fit for public business, who does not even at his entrance prepare his mind for such an event. Health, fortune, tranquillity, and private connections, I have sacrificed upon the altar of the Public; and the only return I receive, because I will not con-

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cur to dupe and missead a senseles multitude, is barely, that they have not yet torn me in pieces. That this has been the only return is my pride, and a source of more real satisfaction than honours or prosperity. I can practise, before I am old, the lessons I learned in my youth; nor shall I ever forget the words of my ancient Monitor,

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"Tis the last key-stone

That makes the arch: the rest that there were put Are nothing, till that comes to bind and shut:

"Then stands it a triumphal mark! then men

"Observe the strength, the height, the why and

" It was erected; and still, walking under,

" Meet some new matter to look up and wonder!"

I am, Sir, your humble Servant,
JOHNHORNE.

LETTER LH.

TO THE REVEREND MR HORNE.

SIR. JULY 24. 1771. Cannot descend to an altercation with you in the newspapers: but fince I have attacked your character, and you complain of injustice, I think you have some right to an explanation. You defy me to prove that you ever folicited a vote, or wrote a word, in support of the ministerial aldermen. Sir, I did never suspect you of such gross folly. It would have been impossible for Mr Horne to have folicited votes, and very difficult to have written in the newspapers in defence of that cause, without being detected and brought to shame. Neither do I pretend to any intelligence concerning you, or to know more of your conduct than you yourfelf have thought proper to communicate to the public. It is from your own letters I conclude

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clude that you have fold yourfelf to the ministry; or if that charge be too fevere, and supposing it possible to be deceived by appearances so very strongly against you, what are your friends to say in your defence? Must they not confess, that, to gratify your personal hatred of Mr Wilkes, you facrificed, as far as depended on your interest and abilities, the cause of the country? I can make allowance for the violence of the passions; and if ever I should be convinced that you had no motive but to destroy Wilkes, I shall then be ready to do justice to your character, and to declare to the world, that I despise you somewhat less than I do at present. But as a public man, I must for ever condemn you. You cannot but know, -nay you dare not pretend to be ignorant, that the highest gratification of which the most detestable in this nation is capable, would have been the defeat of Wilkes. I know that man much better than any of you. Nature intended him only for a goodhumoured fool. A systematical education, with long practice, has made him a confummate hypocrite. Yet this man, to fay nothing of his worthy ministers, you have most assiduously laboured to gratify. To exclude Wilkes, it was not necessary you should solicit votes for his opponents. We incline the balance as effectually by leffening the weight in one scale, as by increasing it in the other.

The mode of your attack upon Wilkes (though I am far from thinking meanly of your abilities) convinces me, that you either want judgment extremely, or that you are blinded by your resentment. You ought to have foreseen, that the charges you urged against Wilkes could never do him any mischief. After all, when we expected discoveries highly interesting to the community, what a pitiful detail did it end in !—Some old cloaths—a Welsh poney—a French sootman, and a hamper

of claret. Indeed, Mr Horne, the public should, and will forgive him his claret and his footman. and even the ambition of making his brother chamberlain of London, as long as he stands forth against a ministry and parliament who are doing every thing they can to enflave the country, and as long as he is a thorn in the King's fide. You will not suspect me of setting up Wilkes for a perfect character. The question to the public is, Where shall we find a man, who, with purer principles, will go the lengths and run the hazards that he has done? The feafon calls for fuch a man, and he ought to be supported. What would have been the triumph of that odious hypocrite and his minions, if Wilkes had been defeated! It was not your fault, reverend Sir, that he did not enjoy it completely.—But now, I promise you, you have so little power to do mischief, that I much question whether the ministry will adhere to the promises they have made you. It will be in vain to fay that I am a partizan of Mr Wilkes, or personally your enemy. You will convince no man, for you do not believe it yourself. Yet I confess I am a little offended at the low rate at which you feem to value my understanding. I beg, Mr Horne, you will hereafter believe, that I measure the integrity of men by their conduct, not by their professions. Such tales may entertain Mr Oliver, or your grandmother; but, trust me, they are thrown away upon Junius.

You say you are a man. Was it generous, was it manly, repeatedly to introduce into a newspaper the name of a young lady, with whom you must heretofore have lived on terms of politeness and good humour?—But I have done with you. In my opinion, your credit is irrecoverably ruined. Mr Townshend, I think, is nearly in the same predicament. Poor Oliver has been shamefully duped by you. You have made him sacrifice all the hor

nour he got by his imprisonment. As for Mr Sawbridge, whose character I really respect, I am astonished he does not see through your duplicity. Never was so base a design so poorly conducted.—This letter, you see, is not intended for the public; but if you think it will do you any service, you are at liberty to publish it. JUNIUS.

This letter was transmitted privately by the Printer to Mr. Horne, by Junius's request. Mr Horne returned it to the Printer, with directions to publish it.

LETTER LIN.

FROM THE REVEREND MR HORNE TO JUNIUS.

SIR. JULY 31. 1771. You have disappointed me. When I told you, that furmife and general abuse, in however elegant language, ought not to pass for proofs, I evidently hinted at the reply which I expected: but you have dropped your usual elegance, and feem willing to try what will be the effect of furmife and general abuse in very coarse language. Your answer to my letter (which I hope was cool, and temperate, and modest) has convinced me, that my idea of a man is much superior to your's of a gentleman. Of your former letters I have always faid Materiem Superabat opus: I do not think fo of the prefent; the principles are more detestable than the expressions are mean and illiberal. I am contented, that all those who adopt the one should for ever load me with the other.

I appeal to the common-sense of the public, to which I have ever directed myself: I believe they have it, though I am sometimes half-inclined to suspect that Mr Wilkes has formed a truer judgement of mankind than I have. However, of this I am sure, that there is nothing else upon which to place a steady reliance. Trick, and low cun-

ning, and addressing their prejudices and passions, may be the fittest means to carry a particular point; but if they have not commonsense, there is no prospect of gaining for them any real permanent good. The same passions which have been artfully used by an honest man for their advantage, may be more artfully employed by a dishonest man for their destruction. I desire them to apply their common-sense to this letter of Junius; not for my sake, but their own: it concerns them most nearly; for the principles it contains lead to disgrace and ruin, and are inconsistent

with every notion of civil fociety.

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The charges which Junius has brought against me, are made ridiculous by his own inconfiftency and felf-contradiction. He charges me politively with "a new zeal in support of administration;" and with "endeavours in support of the ministe-" rial nomination of theriffs." And he affigns two inconfistent motives for my conduct : either that I have " fold myself to the ministry;" or am instigated " by the solitary vindictive malice of a " monk :" either that I am influenced by a fordid defire of gain, or am hurried on by " personal ha-" tred, and blinded by resentment." In his letter to the Duke of Grafton, he supposes me actuated by both: in his letter to me, he at first doubts which of the two, whether interest, or revenge, is my motive. However, at last he determines for the former, and again politively afferts that " the ministry have made me promises:" yet he produces no instance of corruption, nor pretends to have any intelligence of a ministerial connection. He mentions no cause of a personal hatred to Mr Wilkes, nor any reason for my resentment or revenge; nor has Mr Wilkes himself ever hinted any, though repeatedly pressed. When Junius is called upon to justify his accusation, he anfwers, "He cannot descend to an altercation with . ce me

only in the newspapers." Junius, who exists only in the newspapers, who acknowledges "he has attacked my character" there, and thinks I have some right to an explanation; yet this Junius "cannot descend to an altercation in the newspapers!" And because he cannot descend to an altercation with me in the newspapers, he fends a letter of abuse by the printer, which he finishes with telling me—"I am at liberty to pu"blish it." This, to be sure, is a most excellent method to avoid an altercation in the newspa-

pers!

The proofs of his politive charges are as extraordinary: " He does not pretend to any intelliof gence concerning me, or to know more of my conduct than I myself have thought proper to " communicate to the public." He does not fufpect me of fuch gross folly as to have solicited votes, or to have written anonymously in the newfpapers; because it is impossible to do either of these without being detected and brought to shame. Junius fays this !- who yet imagines that he has himself written two years under that figniture, (and more under others), without being detected ! -his warmest admirers will not hereafter add, without being brought to shame. But though he did never suspect me of such gross folly as to run the hazard of being detected and brought to shame by anonymous writing, he infifts, that I have been guilty of a much groffer folly, of incurring the certainty of shame and detection, by writings figned with my name! But this is a small flight for the towering Junius : " HE is FAR from thinking " meanly of my abilities," though he is " convinced that I want judgment extremely;" and can " really respect Mr Sawbridge's character," though he declares him * to be fo poor a creature,

I beg leave to introduce Mr Horne to the character of the

as not to " see through the basest design conduct" ed in the poorest manner!" And this most base
design is conducted in the poorest manner, by a
man whom he does not suspect of gross folly, and
of whose abilities he is FAR from thinking

meanly!

Should we alk Junius to reconcile these contradictions, and explain this nonsense, the answer is ready;—" He cannot descend to an altercation in the newspapers." He seels no reluctance to attack the character of any man: the throne is not too high, nor the cottage too low: his mighty malice can grasp both extremes: he hints not his accusations as opinion, conjecture, or inference, but delivers them as positive affertions. Do the accused complain of injustice? He acknowledges they have some fort of right to an explanation: but if they ask for proofs and facts, he begs to be excused; and though he is no where else to be encountered—" he cannot descend to an altercation in the newspapers."

And this, perhaps, Junius may think "the li-"beral refentment of a gentleman:" This skulking affassination he may call courage. In all things, as-

in this, I hope we differ.

"I thought that fortitude had been a mean "Twist fear and rashness; not a lust obscene

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Double Dealer. I thought they had been better acquainted.—" Asnother very wrong objection has been made by some, who have
not taken leisure to distinguish the characters. The hero of the
play (meaning Mellesont) is a gull, and made a sool, and cheated.—Is every man a gull and a sool that is deceived?—Atthat rate, I am assaid the two classes of men will be reduced to
one, and the knaves themselves be at a loss to justify their title.

But if an open honest-hearted man, who has an entire considence
in one whom he takes to be his friend, and who (to consirm
him in his opinion) in all appearance, and upon several trials,
has been so; if this man be deceived by the treachery of the other,
must be of necessary commence fool immediately, only because
the other has proved a villain?—Yes, says parson Horne:
No, says Covgreve; and he, I think, is allowed to have known
something of human nature.

Or appetite of offending; but a skill

44 And nice discernment between good and ill.

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"Her ends are honesty and public good,

" And without these she is not understood."

Of two things, however, he has condescended to give proof. He very properly produces a young lady, to prove that I am not a man; and a good old woman, my grandmother, to prove Mr Oliver Poor old foul! she read her bible far otherwise than Junius! She often found there, that the fins of the fathers had been visited on the children; and therefore was cautious that herfelf, and her immediate descendents, should leave no reproach on her posterity: and they left none. How little could she foresee this reverse of Junius, who visits my political fins upon my grandmother! I do not charge this to the score of malice in him; it proceeded entirely from his propenfity to blunder; that whilft he was reproaching me for introducing, in the most harmless manner, the name of one female, he might himself, at the same in-Stant, introduce two.

I am represented alternately, as it suits Junius's purpose, under the opposite characters of a gloomy monk, and a man of politeness and good-humour. I am called " a folitary monk," in order to confirm the notion given of me in Mr Wilkes's anonymous paragraphs, that I never laugh. And the terms of politeness and good-humour, on which I am faid to have lived heretofore with the young lady, are intended to confirm other paragraphs of Mr Wilkes, in which he is supposed to have offended me by refusing his daughter. Ridiculous! Yet I cannot deny but that Junius has proved me unmanly and ungenerous, as clearly as he has shown me corrupt and vindictive : and I will tell him more; I have paid the present ministry as many vifits and compliments as ever I paid to the young lady; and shall

all my life treat them with the same politeness and

good-humour.

But Junius " begs me to believe, that he mea-" fures the integrity of men by their conduct, not " by their professions." Sure this Junius must imagine his readers as void of understanding as he is of modesty! Where shall we find the standard of HIS integrity? By what are we to measure the conduct of this lurking affaffin ?- And he fays this to me, whose conduct, wherever I could perfonally appear, has been as direct, and open, and public, as my words. I have not, like him, concealed myself in my chamber, to shoot my arrows out of the window; nor contented myself to view the battle from afar; but publicly mixed in the engagement, and shared the danger. To whom have I, like him, refused my name upon complaint of injury? What printer have I defired to conceal me? In the infinite variety of bufiness in which I have been concerned, where it is not so easy to be faultless, which of my actions can he arraign? To what danger has any man been exposed, which I have not faced? information, action, imprisonment, or death? What labour have I refused? what expence have I declined? what pleasure have I not renounced ?- But Junius, to whom no conduct belongs, " measures the integrity of men by their " conduct, not by their professions;" himself all the while being nothing but professions, and those too anonymous! The political ignorance or wilful falsehood of this declaimer is extreme. His own former letters justify both my conduct and those whom his last letter abuses: for the public meafures which Junius has been all along defending. were ours whom he attacks; and the uniform opposer of those measures has been Mr Wilkes. whose bad actions and intentions he endeavours to Icreen.

Let Junius now, if he pleases, change his abuse; and,

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and, quitting his loofe hold of interest and revenge, accuse me of vanity, and call this defence boasting. I own I have a pride to fee statues decreed, and the highest honours conferred, for measures and actions which all men have approved: whilft those who counfelled and caufed them are execrated and infulted. The darkness in which Junius thinks himself shrouded, has not concealed him; nor the artifice of only attacking under that fignature those he would pull down, (whilft he recommends by other ways those he would have promoted), disguised from me whose partizan he is. When Lord Chatham can forgive the aukward fituation in which, for the fake of the public, he was designedly placed by the thanks to him from the city; and when Wilker's name ceases to be necessary to Lord Rockingham to keep up a clamour against the persons of the ministry, without obliging the different factions now in opposition to bind themselves beforehand to some certain points, and to stipulate some precise advantages to the public; then, and not till then, may those whom he now abuses expect the approbation of Junius. The approbation of the public for our faithful attention to their intereft, by endeavours for those stipulations, which have made us as obnoxious to the factions in opposition as to those in administration, is not perhaps to be expected till some years hence; when the public will look back, and see how shamefully they have been deluded, and by what arts they were made to lose the golden opportunity of preventing what they will furely experience, -a change of ministers, without a material change of measures, and without any fecurity for a tottering constitution.

But what cares Junius for the security of the constitution? He has now unfolded to us his diabolical principles. As a public man, he must ever condemn any measure which may tend accidentally to gratify the Sovereign; and Mr Wilkes is to be

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supported and affisted in all his attempts (no matter how ridiculous and mischievous his projects) as long as he continues to be a thorn in the King's fide!—The cause of the country, it seems, in the opinion of Junius, is merely to vex the King; and any rascal is to be supported in any reguery, provided he can only thereby plant a thorn in the King's fide. - This is the very extremity of faction, and the last degree of political wickedness. Because Lord Chatham has been ill treated by the King, and treacherously betrayed by the Duke of Grafton, the latter is to be "the pillow on which " Junius will rest his refentment;" and the public are to oppose the measures of government from mere motives of personal enmity to the Sovereign! These are the avowed principles of the man who, in the same letter, says, "If ever he should be " convinced that I had no motive but to destroy "Wilkes, he shall then be ready to do justice to " my character, and to declare to the world, that " he despises me somewhat less than he does at " present!" Had I ever acted from personal affection or enmity to Mr Wilkes, I should justly be despised: but what does he deserve, whose avowed motive is personal enmity to the Soverein? The contempt which I should otherwise feel for the absurdity and glaring inconsistency of Junius, is here swallowed up in my abhorrence of his principles. The right divine and facredness of Kings is to me a fenfeless jargon. It was thought a daring expression of Oliver Cromwell in the time of Charles the first, that if he found himself placed opposite to the King in battle, he would difcharge his piece into his bosom as soon as into any other man's. I go farther: had I lived in those days, I would not have waited for chance to give me an opportunity of doing my duty; I would have fought him through the ranks, and, without the least personal enmity, have discharged my piece

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piece into his bosom rather than into any other man's. The King whose actions justify rebellion to his government, deserves death from the hand of every subject. And should such a time arrive, I shall be as free to act as to say: but till then, my attachment to the person and family of the Sovereign shall ever be found more zeasous and sincere than that of his slatterers. I would offend the Sovereign with as much reluctance as the parent; but if the happiness and security of the whole samily made it necessary, so far, and no farther, I would offend him without remorse.

But let us consider a little whither these principles of Junius would lead us. Should Mr Wilkes once more commission Mr Thomas Walpole to procure for him a pension of one thousand pounds upon the Irish establishment for thirty years, he must be supported in the demand by the public—

because it would mortify the King!

Should he wish to see Lord Rockingham and his friends once more in administration, unclogged by any stipulations for the people, that he might again enjoy a pension of one thousand and forty pounds a-year, viz. from the first Lord of the Treasury, 5001.; from the Lords of the Treasury, 601. each; from the Lords of Trade, 401: each, &c. the public must give up their attention to points of national benefit, and affist Mr Wilkes in his attempt—because it would mortify the King!

Should he demand the government of Canada, or of Jamaica, or the embaffy to Conflantinople, and in case of resusal threaten to write them down, as he had before served another administration, in a year and a half, he must be supported in his pretensions, and upheld in his insolence—because

it would mortify the King!

Junius may choose to suppose that these things cannot happen! But that they have happened, notwithstanding Mr Wilkes's denial, I do aver-

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I maintain that Mr Wilkes did commission Mr Thomas Walpole to folicit for him a pension of one thousand pounds on the Irish establishment for thirty years; with which, and a pardon, he declared he would be fatisfied: and that, notwithflanding his letter to Mr Onflow, he did accept a clandestine, precarious, and eleemofinary pension from the Rockingham administration; which they paid in proportion to, and out of their falaries: and fo entirely was it ministerial, that as any of them went out of the ministry, their names were scratched out of the lift, and they contributed no longer. I fay, he did solicit the governments, and the embaffy, and threatened their refusal nearly in these words-" It cost me a year " and a half to write down the last administration; " should I employ as much time upon you, very " few of you would be in at the death." When thefe threats did not prevail, he came over to England to embarrafs them by his prefence: and when he found that Lord Rockingham was fomething firmer and more manly than he expected, and refused to be bullied-into what he could not perform, Mr Wilkes declared that he could not leave England wthout money; and the Duke of Portland and Lord Rockingham purchased his abfence with one hundred pounds a-piece, with which he returned to Paris. And for the truth of what I here advance, I appeal to the Duke of Portland, to Lord Rockingham, to Lord John Cavendish, to Mr Walpole, &c .- I appeal to the hand-writing of Mr Wilkes, which is still extant.

Should Mr Wilkes afterwards (failing in this wholefale trade) choose to dole out his popularity by the pound, and expose the city offices to sale to his brother, his attorney, &c. Junius will tell us, it is only an ambition that he has to make them chamberlain, town-clerk, &c. and he must not be opposed in thus robbing the ancient citizens of

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their birthright-because any defeat of Mr Wilkes

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would gratify the King!

Should he, after confuming the whole of his own fortune, and that of his wife, and incurring a debt of twenty thousand pounds, merely by his own private extravagance, without a fingle fervice or exertion all this time for the public, whilft his estate remained; should he at length, being undone, commence patriot, have the good fortune to be illegally persecuted, and in consideration of that illegality be espoused by a few gentlemen of the purest public principles; should his debts, (tho' none of them were contracted for the public) and all his other incumbrances be discharged; should he be offered 600 l. or 1000 l. a-year to make him independent for the future; and should he, after all, instead of gratitude for these services, insolently forbid his benefactors to bestow their own money upon any other object but himself, and revile them for fetting any bounds to their supplies; Junius (who, any more than Lord Chatham, never contributed one farthing to these enormous expences) will tell them, that if they think of converting the fupplies of Mr Wilkes's private extravagance to the fupport of public measures—they are as great fools as my grandmother; and that Mr Wilkes ought to hold the strings of their purses—as long as he continues to be a thorn in the King's side!

Upon these principles I never have acted, and I never will act. In my opinion, it is less dishonourable to be the creature of a court than the tool of a faction. I will not be either. I understand the two great leaders of opposition to be Lord Rockingham and Lord Chatham; under one of whose banners, all the opposing members of both houses who desire to get places enlist. I can place no confidence in either of them, or in any others, unless they will now engage, whilst they are out, to grant certain essential advantages for

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the fecurity of the public when they shall be IN administration. These points they refuse to stipulate, because they are fearful lest they should prevent any future overtures from the court. To force them to these stipulations has been the uniform endeavour of Mr Sawbridge, Mr Townsend, Mr Oliver, &c. and THEREFORE they are abused by Junius. I know no reason but my zeal and industry in the same cause, that should intitle me to the honour of being ranked by his abuse with persons of their fortune and station. It is a duty I owe to the memory of the late Mr Beckford to fay, that he had no other aim than this, when he provided that sumptuous entertainment at the Mansion-house for the members of both houses in opposition. At that time he drew up the heads of an engagement, which he gave to me, with a request that I would couch it in terms fo cautious and precise, as to leave no room for future quibble and evafion; but to oblige them either to fulfil the intent of the obligation, or to fign their own infamy, and leave it on record: and this engagement he was determined to propose to them. at the Mansion-house, that either by their refusal they might forfeit the confidence of the public. or by the engagement lay a foundation for confidence. When they were informed of the intentention, Lord Rockingham and his friends flatly refused any engagement; and Mr Beckford as flatly swore, they should then-" eat none of his "broth;" and he was determined to put off the entertainment : But Mr Beckford was prevailed upon by —— to indulge them in the ridiculous parade of a popular procession through the city, and to give them the foolish pleasure of an imaginary confequence, for the real benefit only of the cooks and purveyors.

It was the same motive which dictated the thanks of the city to Lord Chatham; which were

expressed to be given for his declaration in favour of fort parliaments: in order thereby to fix Lord Chatham at least to that one constitutional remedy, without which all others can afford no fecurity. The embarrassment, no doubt, was cruel. He had his choice either to offend the Rockingham party, who declared formally against short parliaments, and with the affiltance of whose numbers in both houses he must expect again to be minister; or to give up the confidence of the public, from whom finally all real confequence must proceed. Lord Chatham chose the latter: and I will venture to fay, that, by his answer to those thanks, he has given up the people without gaining the friendship or cordial affiftance of the Rockingham faction; whose little politics are confined to the making of matches, and extending their family connexions, and who think they gain more by procuring one additional vote to their party in the house of commons, than by adding their languid property and feeble character to the abilities of a Chatham, or the confidence of a public. 30 11 3780, but

Whatever may be the event of the present wretched state of politics in this country, the principles of Junius will fuit no form of government. They are not to be tolerated under any constitution. Personal enmity is a motive fit only for the devil. Whoever, or whatever, is Sovereign, demands the respect and support of the people. The union is formed for their happiness, which cannot be had without mutual respect; and he counfels maliciously who would perfuade either to a wanton breach of it. When it is banished by either party, and when every method has been tried in vain to restore it, there is no remedy but a divorce: But even then he must have a hard and a wicked heart indeed who punishes the greatest criminal merely for the fake of the punishment; and odwale of the circle hard Charlesne

who does not let fall a tear for every drop of blood that is shed in a public struggle, however just the JOHN HORNE. quarrel.

LETTER LIV.

TO THE PRINTER OF THE PUBLIC ADVER-TISER.

SIR. Aug. 15. 1771. OUGHT to make an apology to the Duke of Grafton, for fuffering any part of my attention to be diverted from his Grace to Mr Horne. I am not justified by the similarity of their dispositions. Private vices, however detestable, have not dignity sufficient to attract the censure of the press, unless they are united with the power of doing some signal mischief to the community.-Mr Horne's fituation does not correspond with his intentions.-In my own opinion, (which, I know, will be attributed to my usual vanity and presumption) his letter to me does not deferve an answer. But I understand that the public are not fatisfied with my filence; -that an answer is expected from me; and that if I perfift in refusing to plead, it will be taken for conviction. I should be inconsistent with the principles I profess, if I declined an appeal to the good fense of the people, or did not willingly fubmit myself to the judgment of my peers.

If any coarfe expressions have escaped me, I am ready to agree that they are unfit for Junius to make use of, but I see no reason to admit that they

have been improperly applied.

Mr Horne, it seems, is unable to comprehend how an extreme want of conduct and discretion can confift with the abilities I have allowed him :. nor can he conceive that a very honest man, with a very good understanding, may be deceived by a: knave. His knowledge of human nature must be:

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limited indeed. Had he never mixed with the world, one would think that even his books might have taught him better. Did he hear Lord Manffield, when he defended his doctrine concerning libels?—Or when he stated the law in prosecutions for criminal conversation? -Or when he delivered his reasons for calling the house of Lords together to receive a copy of his charge to the jury in Woodfall's trial ?-Had he been present upon any of these occasions, he would have seen how possible it is for a man of the first talents, to confound himself in absurdities, which would disgrace the lips of an ideot. Perhaps the example might have taught him not to value his own understanding so highly.-Lord Lyttelton's integrity and judgment are unquestionable; -yet he isknown to admire that cunning Scotchman, and verily believes him an honest man .- I speak to facts, with which all of us are conversant—I speak to men. and to their experience; and will not descend to answer the little sneering sophistries of a collegian. -Distinguished talents are not necessarily connected with discretion. If there be any thing remarkable in the character of Mr Horne, it is that extreme want of judgment should be united with his very moderate capacity. Yet I have not forgotten the acknowledgment I made him. He owes it to my bounty; and, though his letter has lowered him in my opinion, I scorn to retract the charitable donation.

I said it would be very difficult for Mr Horne to write directly in defence of a ministerial measure, and not be detected; and even that difficulty I confined to his particular situation. He changes the terms of the proposition, and supposes me to affert, that it would be impossible for any man to write for the newspapers and not be discovered.

He repeatedly affirms, or intimates at least, that he knows the author of these letters.—With what

what colour of truth, then, can he pretend that I am nowhere to be encountered but in a newspaper? -I shall leave him to his suspicions. It is not necessary that I should confide in the honour or discretion of a man who already seems to hate me with as much rancour as if I had formerly been. his friend.—But he afferts that he has traced me through a variety of fignatures. To make the difcovery of any importance to his purpose, he should have proved, either that the fictitious character of Junius has not been confishently supported, or that the author has maintained different principles: under different fignatures .- I cannot recall to my memory the numberless trifles I have written; but I rely upon the consciousness of my own integrity, and defy him to fix any colourable charge: of inconfiftency upon me.

I am not bound to assign the secret motives of his apparent hatred of Mr Wilkes: nor does it: follow that I may not judge fairly of his conduct. though it were true that I had no conduct of my own.-Mr Horne enlarges with rapture upon the importance of his fervices; the dreadful battles. which he might have been engaged in, and the dangers he has escaped.—In support of the formidable description, he quotes verses without mercy. The gentleman deals in fiction, and naturally appeals to the evidence of the poets.-Taking him at his word, he cannot but admit the superiority of Mr Wilkes in this line of service. On one fide, we fee nothing but imaginary diffresses. On: the other, we see real prosecutions;—real penalties; - real imprisonment; - life repeatedly ha-zarded; and, at one moment, almost the certainty of death. Thanks are undoubtedly due to every man who does his duty in the engagement; but it:

I did not mean to deny that Mr Horne had been an active partizan. It would defeat my own pur-

is the wounded soldier who deferves the reward.

pose not to allow him a degree of merit, which aggravates his guilt. The very charge of contributing his utmost efforts to support a ministerial meafure, implies an acknowledgment of his former fervices. If he had not once been diftinguished by his apparent zeal in defence of the common cause, he could not now be distinguished by deferting it .- As for myself, it is no longer a question, whether I shall mix with the throng, and take a fingle share in the danger. Whenever Junius appears, he must encounter a host of enemies. But is there no honourable way to ferve the public, without engaging in personal quarrels with infignificant individuals, or fubmitting to the drudgery of canvassing votes for an election? Is there no merit in dedicating my life to the information of my fellow-subjects? - What public question have I declined? what villain have I spared?-Is there no labour in the composition of these letters? Mn Horne, I fear, is partial to me, and measures the facility of my writings by the fluency of his own.

He talks to us in high terms of the gallant feats he would have performed if he had lived in the last century. The unhappy Charles could hardly have escaped him. But living princes have a claim to his attachment and respect. Upon these terms, there is no danger in being a patriot. If he means any thing more than a pompous rhapfody, let us try how well his argument holds together.—I prefume he is not yet so much a courtier as to affirm that the constitution has not been grossly and daringly violated under the present reign. He will not fay, that the laws have not been shamefully broken or perverted; -that the rights of the fubject have not been invaded, or that redress has not been repeatedly solicited and resused.-Grievances like these were the foundation of the rebellion in the last century; and, if I understand

Mr Horne, they would, at that period, have justified him to his own mind in deliberately attacking the life of his Sovereign. I shall not ask him to what political constitution this doctrine can be reconciled. But at least it is incumbent upon him to show, that the present King has Better excuses than Charles the First for the errors of his govern-He ought to demonstrate to us, that the constitution was better understood a hundred years ago than it is at prefent;—that the legal rights of the subject, and the limits of the prerogative, were more accurately defined and more clearly comprehended. If propositions like these cannot be fairly maintained, I do not see how he can reconcile it to his conscience, not to act immediately with the same freedom with which he speaks. I reverence the character of Charles the First as little as Mr Horne; but I will not infult his miffortunes, by a comparison that would degrade him.

It is worth observing, by what gentle degrees the furious, persecuting zeal of Mr Horne has softened into moderation. Men and measures were yesterday his objects. What pains did he once take to bring that great state-criminal Macquirk to execution!—To-day he confines himself to measures only.—No penal example is to be lest to the successors of the Duke of Graston.—To-morrow, I presume, both men and measures will be forgiven. The slaming patriot, who so lately scorched us in the meridian, sinks temperately to the west, and is hardly felt as he descends.

I comprehend the policy of endeavouring to communicate to Mr Oliver and Mr Sawbridge a share in the reproaches with which he supposes me to have loaded him. My memory fails me, if I have mentioned their names with disrespect;—unless it be reproachful to acknowledge a sincere respect for the character of Mr Sawbridge, and not

to have questioned the innocence of Mr Oliver's intentions.

It feems I am a partifan of the great leader of the opposition. If the charge had been a reproach, it should have been better supported. I did not intend to make a public declaration of the respect I bear Lord Chatham. I well knew what unworthy conclusions would be drawn from it. But I am called upon to deliver my opinion; and furely it is not in the little censure of Mr Horne to deter me from doing fignal justice to a man who, I confefs, has grown upon my efteem. As for the common, fordid views of avarice, or any purpose of vulgar ambition, I question whether the applause of Junius would be of service to Lord Chatham. My vote will hardly recommend him to an increase of his pension, or to a seat in the cabinet. But if his ambition be upon a level with his understanding; -if he judges of what is truly honourable for himself, with the same superior genius which animates and directs him to eloquence in debate, to wisdom in decision, even the pen of Junius shall contribute to reward him. Recorded honours shall gather round his monument, and thicken over him. It is a folid fabric. and will support the laurels that adorn it .- I am not conversant in the language of panegyric. These praises are extorted from me; but they will wear well, for they have been dearly earned.

My detestation of the Duke of Grafton is notfounded upon his treachery to any individual: tho' I am willing enough to suppose, that, in public affairs, it would be impossible to desert or betray. Lord Chatham, without doing an essential injury to this country. My abhorrence of the Duke arises from an intimate knowledge of his character; and from a thorough conviction that his baseness has been the cause of greater mischief to Eng-

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land, than even the unfortunate ambition of Lord Bute.

The shortening the duration of parliaments is a subject on which Mr Horne cannot enlarge too warmly; nor will I question his sincerity. If I did not profess the same sentiments, I should be shamefully inconsistent with myself. It is unnecessary to bind Lord Chatham by the written formality of an engagement. He has publicly declared himself a convert to Triennial Parliaments; and though I have long been convinced, that this is the only possible resource we have left to preserve the substantial freedom of the constitution, I do not think we have a right to determine against the integrity of Lord Rockingham or his friends. Other measures may undoubtedly be supported in argument, as better adapted to the disorder, or

more likely to be obtained.

Mr Horne is well affured, that I never was the champion of Mr Wilkes. But though I am not obliged to answer for the firmness of his future adherence to the principles he professes, I have no reason to presume that he will hereafter disgrace them. As for all those imaginary cases which Mr Horne so petulantly urges against me, I have one plain, honest answer to make to him. - Whenever Mr Wilkes shall be convicted of soliciting a pen- . fion, an embassy, or a government, he must depart from that fituation, and renounce that character, which he affumes at present, and which, in my opinion, entitle him to the support of the public. By the same act, and at the same moment, he will forfeit his power of mortifying the King; and though he can never be a favourite at St James's, his baseness may administer a solid satisfaction to the royal mind. The man I speak of has not a heart to feel for the frailties of his fellow-creatures. It is their virtues that afflict, it is their vices that confole, him.

I give every possible advantage to Mr Horne, when I take the facts he refers to for granted. That they are the produce of his invention, feems highly probable; that they are exaggerated, I have no doubt. At the worst, what do they amount to, but that Mr Wilkes, who never was thought of as a perfect pattern of morality, has not been at all times proof against the extremity of distress. How shameful is it, in a man who has lived in friendship with him, to reproach him with failings too naturally connected with despair! Is no allowance to be made for banishment and ruin? Does a two years imprisonment make no atonement for his crimes?—The resentment of a priest is implacable. No fufferings can soften, no penitence can appeale, him .- Yet he himself, I think, upon his own system, has a multitude of political offences to atone for. I will not infift upon the nauseous detail, with which he so long disgusted the public. He feems to be ashamed of it. But what excuse will he make to the friends of the constitution for labouring to promote this confummately bad man to a station of the highest national trust and importance? Upon what honourable motives did he recommend him to the livery of London for their representative; -to the ward of Faringdon for their alderman; -to the county of Middlesex for their knight? Will he affirm, that, at that time, he was ignorant of Mr Wilkes's for licitations to the ministry?—That he should say fo, is indeed very necessary for his own justification; but where will he find credulity to believe him?

In what school this gentleman learned his ethics I know not, His logic seems to have been studied under Mr Dyson. That miserable pamphleteer, by dividing the only precedent in point, and taking as much of it as suited his purpose, had reduced his argument upon the Middlesex election to something

thing like the shape of a syllogism. Mr Horne has conducted himself with the same ingenuity and candour. I had affirmed, that Mr Wilkes would preserve the public savour, "as long as he sould forth against a ministry and parliament who were doing every thing they could to ensure the same state of the country, and as long as he was a thorn in the King's side." Yet, from the exulting triumph of Mr Horne's reply, one would think that I had rested my expectation, that Mr Wilkes would be supported by the public upon the single condition of his mortifying the King. This may be logic at Cambridge or at the Treasury; but among men of sense and honour, it is folly or vil-

lainy in the extreme.

I see the pitiful advantage he has taken of a fingle unguarded expression, in a letter not intended for the public. Yet it is only the expresfion that is unguarded. I adhere to the true meaning of that member of the fentence, taken separately as he takes it; and now, upon the coolest deliberation, reaffert, that, for the purposes I referred to, it may be highly meritorious to the public, to wound the personal feelings of the So-It is not a general proposition, nor is it vereign. generally applied to the chief magistrate of this or any other constitution. Mr Horne knows as well as I do, that the best of Princes is not displeased with the abuse which he sees thrown upon his oftensible ministers. It makes them, I presume, more properly the objects of his royal compassion; -neither does it escape his fagacity, that the lower they are degraded in the public esteem, the more submissively they must depend upon his favour for protection. This I affirm, upon the most folemn conviction, and the most certain knowledge, is a leading maxim in the policy of the closet. It is unnecessary to pursue the argument any farther.

Mr Horne is now a very loyal subject. He laments the wretched state of politics in this country; and sees, in a new light, the weakness and solly of the opposition. Whoever, or whatever, is Sovereign, demands the respect and support of the people *; it was not so when Nero siddled while Rome was burning. Our gracious Sovereign has had wonderful success in creating new attachments to his person and family. He owes it, I presume, to the regular system he has pursued in the mystery of conversion. He began with an experiment upon the Scotch; and concludes with converting Mr Horne.—What a pity it is, that the Jews should be condemned by Providence to wait for a Messiah of their own!

The priesthood are accused of misinterpreting the scriptures. Mr Horne has improved upon his profession. He alters the text, and creates a refutable doctrine of his own. Such artifices cannot long delude the understanding of the people; and, without meaning an indecent comparison, I may venture to foretel, that the Bible and Junius will be read, when the commentaries of the Jefuits are forgotten.

JUNIUS.

LETTER LV.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

THE enemies of the people, having now nothing better to object to my friend Junius, are at last obliged to quit his politics, and to rail at him for crimes he is not guilty of. His vanity and impiety are now the perpetual topics of their abuse. I do not mean to lessen the force of such charges, (supposing they were true); but to show that

^{*} The very foliloquy of Lord Suffolk before he passed the Ru-

that they are not founded. If I admitted the premises, I should readily agree in all the consequences drawn from them. Vanity indeed is a venial error; for it usually carries its own punishment with it :- but if I thought Junius capable of uttering a difrespectful word of the religion of his country, I should be the first to renounce and give him up to the public contempt and indignation. As a man, I am satisfied that he is a Christian upon the most fincere conviction: as a writer, he would be grossly inconsistent with his political principles, if he dared to attack a religion eftablished by those laws which it seems to be the purpose of his life to defend.—Now for the proofs. - Junius is accused of an impious allusion to the holy facrament, where he fays, that if Lord Weymouth be denied the cup, there will be no keeping him within the pale of the ministry. Now, Sir, I affirm, that this paffage refers entirely to a ceremonial in the Roman catholic-church, which denies the cup to the laity. It has no manner of relation to the Protestant creed; and is in this country as fair an object of ridicule as transubstantiation, or any other part of Lord Peter's history in the Tale of the Tub.

But Junius is charged with equal vanity and impiety, in comparing his writings to the holy scripture.—The formal protest he makes against any fuch comparison avails him nothing. It becomes necessary then to show that the charge destroys itself .- If he be vain, he cannot be impious. A vain man does not usually compare himself to an object which it is his defign to undervalue. On the other hand, if he be impious, he cannot be vain; for his impiety, if any, must consist in his endeavouring to degrade the holy feriptures by a comparison with his own contemptible writings. This would be folly indeed of the groffest nature. but where lies the vanity? I shall now be told,-ВЬ " Sir,

" Sir, what you fay is plaufible enough; but still " you must allow that it is shamefully impudent " in Junius to tell us that his works will live as " long as the Bible." My answer is, Agreed; but first prove that he has faid so. Look at his words. and you will find, that the utmost he expects is, that the Bible and Junius will furvive the commentaries of the Jesuits; which may prove true in a fortnight. The most malignant fagacity cannot thew that his works are, in his opinion, to live as long as the Bible .- Suppose I were to foretel, that Fack and Ton would furvive Harry-does it follow that Fack must live as long as Tom? I would only illustrate my meaning, and protest against the least idea of profaneness.

Yet this is the way in which Junius is usually answered, arraigned, and convicted. These candid critics never remember any thing he fays in honour of our holy religion; though it is true, that one of his leading arguments is made to rest upon the internal evidence which the purest of all religions carries with it. I quote his words; and conclude from them, that he is a true and hearty Christian, in substance, not in ceremony; tho' possibly he may not agree with my Reverend Lords the Bishops, or with the Head of the Church, that prayers are morality, or that kneeling is religion.

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LETTER LVI.

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FROM THE REVEREND MR HORNE TO JUNIUS.

d tomars od - waiger od ad li ba Aug. 17. 1774. Congratulate you, Sir, on the recovery of your wonted ftyle, though it has cost you a fortnight. I compassionate your labour in the composition of your letters, and will communicate to you the fecret of my fluency. Truth needs no ornament;

and, in my opinion, what she borrows of the pen-

cil is deformity.

You brought a positive charge against me of corruption. I denied the charge, and called for your proofs. You replied with abuse, and reafferted your charge. I called again for proofs. You reply again with abuse only, and drop your accufation. In your fortnight's letter there is not one word upon the subject of my corruption.

I have no more to fay, but to return thanks to you for your condescension, and to a grateful public and honest ministry for all the favours they have conferred upon me. The two latter, I am fure, will never refuse me any grace I shall solicit; and fince you have pleafed to acknowledge, that you told a deliberate lie in my favour out of bounty, and as a charitable donation, why may I not expect that you will hereafter (if you do not forget you ever mentioned my name with difrespect) make the same acknowledgment for what you have said to my prejudice?-This fecond recantation will perhaps be more abhorrent from your disposition; but should you decline it, you will only afford one more instance how much easier it is to be generous than just, and that men are sometimes bountiful who are not honest.

At all events, I am as well fatisfied with your panegyric as Lord Chatham can be. Monument I shall have none; but over my grave it will be faid, in your own words, " Horne's situation did " not correspond with his intentions *."

JOHN HORNE.

^{*} The epitaph would not be ill fuited to the character ;-at the best, it is but equivocal.

LETTER LVII.

TO HIS GRACE THE DUKE OF GRAFTON.

My LORD. SEPT. 28. 1771. THE people of England are not apprifed of the full extent of their obligations to you. They have yet no adequate idea of the endless variety of your character. They have feen you distinguifhed and successful in the continued violation of those moral and political duties, by which the little as well as the great focieties of life are collected and held together. Every colour, every character became you. With a rate of abilities, which Lord Weymouth very juftly looks down upon with contempt, you have done as much mifchief to the community as Cromwell would have done, if Cromwell had been a coward; and as much as Machiavel, if Machiavel had not known, that an appearance of morals and religion are useful in fociety.-To a thinking man, the influence of the Crown will, in no view, appear fo formidable, as when he observes to what enormous excesses it has fafely conducted your Grace, without a ray of real understanding, without even the pretensions to common decency or principle of any kind, or a fingle spark of personal resolution. What must be the operation of that pernicious influence, (for which our Kings have wifely exchanged the nugatory name of prerogative), that, in the highest flations, can so abundantly supply the absence of virtue, courage, and abilities, and qualify a man to be the minister of a great nation, whom a private gentleman would be ashamed and afraid to admit into his family! Like the universal passport of an ambaffador, it superfedes the prohibition of the laws, banishes the staple virtues of the country, and introduces vice and folly triumphantly into all the departments of the state. Other

ther princes, besides his Majesty, have had the means of corruption within their reach, but they have used it with moderation. In former times, corruption was confidered as a foreign auxiliary to government, and only called in upon extraordinary emergencies. The unfeigned piety, the fanctified religion of George the Third, have taught him to new-model the civil forces of the state. The natural resources of the crown are no longer confided in. Corruption glitters in the van ;collects and maintains a standing army of merce . . naries, and at the same moment impoverishes and enflaves the country. - His Majesty's predecessors, (excepting that worthy family from which you, my Lord, are unquestionably descended), had some generous qualities in their composition, with vices, I confess, or frailties in abundance. They were kings or gentlemen, not hypocrites or priefts. They were at the head of the church, but did not know the value of their office. They faid their prayers without ceremony; and had too little priestcraft in their understanding, to reconcile the fanctimonious forms of religion with the utter deftruction of the morality of their people. My Lord, this is fact, not declamation.-With allyour partiality to the house of Stuart, you must confess, that even Charles the Second would have blushed at that open encouragement, at those eager, meretricious careffes, with which every species of private vice and public proftitution is received at St James's .- The unfortunate house of Stuart has been treated with an afperity which, if comparison be a defence, seems to border upon injustice. Neither Charles nor his brother were qualified to support such a system of measures aswould be necessary to change the government and Subvert the constitution of England. One of them was too much in earnest in his pleasures-the other in his religion. But the danger to this country B b 3 would

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would cease to be problematical, if the crown should ever descend to a Prince, whose apparent fimplicity might throw his fubjects off their guard, -who might be no libertine in behaviour. -who should have no sense of honour to restrain him,and who, with just religion enough to impose upon the multitude, might have no scruples of conscience to interfere with his morality. With these honourable qualifications, and the decifive advantage of fituation, low craft and falsehood are all the abilities that are wanting to destroy the wisdom of ages, and to deface the noblest monument that human policy has erected .- I know fuch a man :- My Lord, I know you both; and with the bleffing of God (for I too am religious), the people of England shall know you as well as I do. I am not very fure that greater abilities would not in effect be an impediment to a design, which feems at first fight to require a superior capacity. A better understanding might make him sensible of the wonderful beauty of that fystem he was endeavouring to corrupt. The danger of the attempt might alarm him. The meanness and intrinsic worthlesiness of the object, (supposing he could attain it), would fill him with shame, repentance, and difgust. But these are sensations which find no entrance into a barbarous contracted heart. In fome men, there is a malignant passion to destroy the works of genius, literature, and freedom. The Vandal and the monk find equal gratification in it.

Reflections like these, my Lord, have a general relation to your Grace, and inseparably attend you in whatever company or situation your character occurs to us. They have no immediate connection with the following recent fact, which I lay before the public, for the honour of the best of Sovereigns, and for the edification of his people.

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A prince, (whose piety and felf-denial, one would think, might fecure him from fuch a multitude of worldly necessities), with an annual revenue of near a million sterling, unfortunately wants money .- The navy of England, by an equally strange concurrence of unforeseen circumstances, (though not quite fo unfortunately for his Majesty), is in equal want of timber. The world knows in what a hopeful condition you delivered the navy to your successor, and in what a condition we found it in the moment of diffress. You were determined it should continue in the situation in which you left it. It happened, however, very luckily for the privy-purse, that one of the above wants promised fair to supply the other. Our religious, benevolent, generous Sovereign, has no objection to felling his own timber to his own admiralty to repair his own ships, nor to putting the money into his own pocket. People of a religious turn naturally adhere to the principles of the church. Whatever they acquire falls into mortmain.—Upon a representation from the admiralty of the extraordinary want of timber for the indifpensable repairs of the navy, the surveyor-general was directed to make a furvey of the timber in all the royal chaces and forests in England. Having obeyed his orders with accuracy and attention, he reported, that the finest timber he had anywhere met with, and the properest in every respect for the purposes of the navy, was in Whittlebury Forest, of which your Grace, I think, is hereditary ranger. In consequence of this report, the usual warrant was prepared at the treasury, and delivered to the surveyor, by which he or his deputy were authorised to cut down any trees in Whittlebury Forest which should appear to be proper for the purposes above-mentioned. The deputy, being informed that the warrant was figned and delivered to his principal in London, crosses the country

country to Northamptonshire, and with an officious zeal for the public fervice begins to do his duty in the forest. Unfortunately for him, he had not the warrant in his pocket. The overfight was enormous; and you have punished him for it accordingly. You have infifted, that an active, useful officer should be dismissed from his place. You have ruined an innocent man and his family. -In what language shall I address so black, so fo cowardly, a tyrant; -thou worfe than one of the Brunswicks, and all the Stuarts!-To them who know Lord North, it is unnecessary to fay, that he was mean and base enough to submit to you.-This, however, is but a small part of the fact. After ruining the surveyor's deputy for acting without the warrant, you attacked the warrant itself. You declared that it was illegal; and fwore, in a fit of foaming frantic passion, that it never should be executed. You afferted upon your honour, that in the grant of the rangership of Whittlebury Forest, made by Charles the Second (whom, with a modesty that would do honour to Mr Rigby, you are pleafed to call your ancestor) to one of his bastards, (from whom I make no doubt of your descent), the property of the timber is vested in the ranger.—I have examined the original grant; and now, in the face of the public, contradict you directly upon the fact. The very reverse of what you have afferted upon your honour is the truth. The grant, expressly, and by a particular clause, referves the property of the timber for the use of the crown.-In spite of thisevidence,-in defiance of the representations of the admiralty, -in perfect mockery of the notorious distresses of the English navy, and those equally pressing and almost equally notorious necessities of your pious Sovereign,-here the matter refts .- The lords of the treasury recal their warrant; the deputy-furveyor is ruined for doing CORDINA

his duty;—Mr John Pitt (whose name I suppose is offensive to you) submits to be brow-beaten and insulted;—the oaks keep their ground;—the King is defrauded, and the navy of England may perish for want of the best and finest timber in the island. And all this is submitted to—to appease the Duke of Grafton!—to gratify the man who has involved the King and his kingdom in consuson and distress, and who, like a treacherous coward, de-

ferted his Sovereign in the midst of it!

There has been a strange alteration in your doctrines, fince you thought it adviseable to rob the Duke of Portland of his property, in order to strengthen the interest of Lord Bute's fon-in-law before the last general election. Nullum tempus occurrit regi, was then your boasted motto, and the cry of all your hungry partifans. Now, it feems, a grant of Charles the Second to one of his bastards is to be held facred and inviolable! It must not be questioned by the King's servants, nor fubmitted to any interpretation but your own.-My Lord, this was not the language you held, when it fuited you to infult the memory of the glorious deliverer of England from that detefted family, to which you are still more nearly allied in principle than in blood.—In the name of decency and common fense, what are your Grace's merits, either with King or ministry, that should entitle you to assume this domineering authority over both?—Is it the fortunate confanguinity you claim with the house of Stuart?—Is it the secret correspondence you have for so many years carried on with Lord Bute, by the assiduous assistance of your cream-coloured parasite?-Could not your gallantry find sufficient employment for him in those gentle offices by which he first acquired the tender friendship of Lord Barrington?-Or is it only that wonderful fympathy of manners which fublists between your Grace and one of your fuperiors.

periors, and does so much honour to you both?—Is the union of Blifil and Black George no longer a romance?—From whatever origin your influence in this country arises, it is a phænomenon in the history of human virtue and understanding.—Good men can hardly believe the sact. Wise men are unable to account for it. Religious men find exercise for their faith; and make it the last effort of their piety, not to repine against Providence.

JUNIUS.

LETTER LVIII.

ADDRESSED TO THE LIVERY OF LONDON.

GENTLEMEN, SEP. 30. 1771. IF you alone were concerned in the event of the present election of a chief magistrate of the metropolis, it would be the highest presumption in a stranger to attempt to influence your choice, or even to offer you his opinion. But the fituation of public affairs has annexed an extraordinary importance to your resolutions. You cannot, in the choice of your magistrate, determine for yourselves only. You are going to determine upon a point in which every member of the community is interested. I will not scruple to fay, that the very being of that law, of that right, of that conflitution, for which we have been fo long contending, is now at stake. They who would ensnare your judgment tell you, it is a common, ardinary case, and to be decided by ordinary precedent and practice. They artfully conclude from moderate peaceable times, to times which are not moderate, and which ought not to be peaceable .-While they folicit your favour, they infift upon a rule of rotation which excludes all idea of election.

Let me be honoured with a few minutes of your attention

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attention .- The question, to those who mean fair ly to the liberty of the people, (which we all profess to have in view), lies within a very narrow compass.-Do you mean to desert that just and honourable fystem of measures which you have hitherto purfued, in hopes of obtaining from parliament, or from the crown, a full redress of past grievances, and a fecurity for the future?-Do you think the cause desperate, and will you declare that you think fo to the whole people of England? If this be your meaning and opinion, you will act confishently with it in choosing Mr Nash.—I profess to be unacquainted with his private character. But he has acted as a magistrate,—as a public man.—As fuch I speak of him.—I see his name in a protest against one of your remonstrances to the crown.—He has done every thing in his power to destroy the freedom of popular elections in the city, by publishing the poll upon a former occafion; and I know in general, that he has diffinguished himself, by slighting and thwarting all those public measures which you have engaged in with the greatest warmth, and hitherto thought most worthy of your approbation.—From his past conduct, what conclusion will you draw, but that he will act the fame part as Lord Mayor which he has invariable acted as Alderman and Sheriff? He cannot alter his conduct without confessing that he never acted upon principle of any kind .- I should be forry to injure the character of a man, who perhaps may be honest in his intention, by suppofing it possible that he can ever concur with you in any political measure or opinion.

If, on the other hand, you mean to perfevere in those resolutions for the public good, which, though not always successful, are always honourable, your choice will naturally incline to those men who (whatever they be in other respects) are most likely to co-operate with you in the great purposes

purpofes which you are determined not to relinquish:-The question is not of what metal your instruments are made, but whether they are adapted to the work you have in hand. The honours of the city, in these times, are improperly, because exclufively, called a reward. You mean not merely to pay, but to employ .- Are Mr Crofby and Mr Sawbridge likely to execute the extraordinary as well as the ordinary duties of Lord Mayor?-Will they grant you common-halls when it shall be necessary?-Will they go up with remonstrances to the King?-Have they firmness enough to meet the fury of a venal house of commons?-Have they fortitude enough not to thrink at imprisonment?-Have they spirit enough to hazard their lives and fortunes in a contest, if it should be necessary, with a prostituted legislature?—If these questions can fairly be answered in the affirmative, your choice is made. Forgive this passionate language. - I am unable to correct it .- The subject comes home to us all.—It is the language of my heart.

J'UNIUS.

LETTER LIX.

TO THE PRINTER OF THE PUBLIC ADVERTISER.

No man laments more fincerely than I do, the unhappy differences which have arisen among the friends of the people, and divided them from each other. The cause undoubtedly suffers as well by the diminution of that strength which union carries along with it, as by the separate loss of personal reputation which every man sustains when his character and conduct are frequently held forth in odious or contemptible colours.—

These differences are only advantageous to the common enemy of the country.—The hearty friends

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of the cause are provoked and disgusted .- The lukewarm advocate avails himself of any pretence to relapfe into that indolent indifference about every thing that ought to interest an Englishman, fo unjustly dignified with the title of moderation. -The false, infidious partisan, who creates or foments the disorder, sees the fruit of his dishonest industry ripen beyond his hopes, and rejoices in the promise of a banquet, only delicious to fuch an appetite as his own.-It is time for those who really mean the Cause and the People, who have no view to private advantage, and who have virtue enough to prefer the general good of the community to the gratification of personal animolities-it is time for fuch men to interpofe. -Let us try whether these fatal diffentions may not yet be reconciled; or, if that be impracticable, let us guard at least against the worst effects of division, and endeavour to persuade these furious partifans, if they will not confent to draw together, to be separately useful to that cause which they all pretend to be attached to .- Honour and honesty must not be renounced, although a thoufand modes of right and wrong were to occupy the degrees of morality between Zeno and Epicurus. The fundamental principles of Christianity may still be preserved, though every zealous sectary adheres to his own exclusive doctrine, and pious ecclesiastics make it part of their religion to perfecute one another. The civil conflitution too. that legal liberty, that general creed which every Englishman professes, may still be supported, tho' Wilkes, and Horne, and Townshend, and Sawbridge, should obstinately refuse to communicate; and even if the fathers of the church, if Savile, Richmond, Camden, Rockingham, and Chatham, should disagree in the ceremonies of their political worship, and even in the interpretation of twenty texts in Magna Charta.- I speak to the - people

people, as one of the people.—Let us employ these men in whatever departments their various abilities are best fuited to, and as much to the advantage of the common cause as their different inclinations will permit. They cannot serve us, without essentially serving themselves.

If Mr Nash be elected, he will hardly venture, after so recent a mark of the personal esteem of his fellow-citizens, to declare himself immediately a courtier. The spirit and activity of the sheriffs, will, I hope, be sufficient to counteract any sinister

intentions of the Lord Mayor. In collision with their virtue, perhaps he may take fire.

It is not necessary to exact from Mr Wilkes the virtues of a Stoic. They were inconsistent with themselves, who, almost at the same moment, represented him as the basest of mankind, vet feemed to expect from him fuch inftances of fortitude and felf-denial as would do honour to an apostle. It is not however flattery to fay, that he is obstinate, intrepid, and fertile in expedients .-That he has no possible resource, but in the public favour, is, in my judgment, a considerable recommendation of him. I wish that every man who pretended to popularity, were in the fame predicament. I wish that a retreat to St James's were not so easy and open as patriots have found it. To Mr Wilkes there is no access. However he may be milled by passion or imprudence, I think he cannot be guilty of a deliberate treachery to the public. The favour of his country constitutes the shield which defends him against a thousand daggers. Desertion would disarm him.

I can more readily admire the liberal spirit and integrity, than the sound judgment, of any man who prefers a republican form of government, in this or any other empire of equal extent, to a monarchy so qualified and limited as ours. I am convinced, that neither is it in theory the wisest system.

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fystem of government, nor practicable in this country. Yet, though I hope the English constitution will for ever preserve its original monarchical form. I would have the manners of the people purely and strictly republican .- I do not mean the licentious spirit of anarchy and riot .-I mean a general attachment to the common-weal, distinct from any partial attachment to persons or families ;- an implicit submission to the laws only. and an affection to the magistrate, proportioned to the integrity and wildom with which he diffributes justice to his people, and administers their affairs. The present habit of our political body appears to me the very reverse of what it ought to be. The form of the constitution leans rather more than enough to the popular branch; while, in effect, the manners of the people (of those at least who are likely to take a lead in the country) incline too generally to a dependance upon the crown. The real friends of arbitrary power combine the facts, and are not inconfistent with their principles when they strenuously support the unwarrantable privileges affumed by the House of-Commons.-In these circumstances, it were much. to be defired, that we had many fuch men as Mr Sawbridge to represent us in parliament.—I speak from common report and opinion only, when I impute to him a speculative predilection in favour of a republic. - In the personal conduct and manners of the man, I cannot be mistaken. He has shown himself possessed of that republican firmness which the times require; and by which an English gentleman may be as usefully and as honourably diftinguished, as any citizen of ancient Rome, of Athens, or Lacedæmon.

Mr Townsend complains, that the public gratitude has not been answerable to his deserts.—It is not difficult to trace the artifices which have suggested to him a language so unworthy of his

understanding. A great man commands the affections of the people. A prudent man does not complain when he has lost them. Yet they are far from being lost to Mr Townshend. He has treated our opinion a little too cavalierly. A young man is apt to rely too confidently upon himself, to be as attentive to his mistress as a polite and passionate lover ought to be. Perhaps he found her at first too easy a conquest.—Yet, I fancy, she will be ready to receive him whenever he thinks proper to renew his addresses. With all his youth, his spirit, and his appearance, it would be inde-

cent in the lady to folicit his return.

I have too much respect for the abilities of Mr. Horne, to flatter myfelf that these gentlemen will ever be cordially re-united. It is not, however, unreasonable to expect, that each of them should act his separate part with honour and integrity to the public.—As for the differences of opinion upon speculative questions, if we wait until they are reconciled, the action of human affairs must be sufpended for ever. But neither are we to look for perfection in any one man, nor for agreement among many .- When Lord Chatham affirms, that the authority of the British legislature is not supreme over the colonies in the fame fense in which it is supreme over Great Britain; when Lord Cambden supposes a necessity, (which the King is to judge of), and, founded upon that necessity, attributes to the crown a legal power (not given by the act itself) to suspend the operation of an act of the legislature-I listen to them both with diffidence and respect, but without the smallest degree of conviction or affent. Yet, I doubt not, they delivered their real fentiments; nor ought they to be hastily condemned.—I too have a claim to the candid interpretation of my country, when I acknowledge an involuntary, compultive affent to one very unpopular opinion. I lament

the unhappy necessity, whenever it arises, of providing for the fafety of the state, by a temporary invalion of the perfonal liberty of the subject. Would to God it were practicable to reconcile these important objects, in every possible situation of public affairs !- I regard the legal liberty of the meanest man in Britain as much as my own, and would defend it with the fame zeal. I know we must stand or fall together. But I never can doubt, that the community has a right to command, as well as to purchase, the service of its members. I fee that right founded originally upon a necessity, which superfedes all argument. I see it established by usage immemorial, and admitted by more than: a tacit affent of the legislature. I conclude there is no remedy, in the nature of things, for the grievance complained of; for, if there were, it must long fince have been redreffed. Though numberless opportunities have presented themselves highly favourable to public liberty, no fuccessful attempt has ever been made for the relief of the fubject in this article. Yet it has been felt and complained of ever finee England had a navy. The conditions which constitute this right, must be taken together. Separately, they have little weight. It is not fair to argue, from any abuse in the execution, to the illegality of the power; much less is a conclusion to be drawn from the navy to the land fervice. A feaman can never be employed but against the enemies of his country. The only case in which the King can have a right to arm his subjects in general, is that of a foreign force being actually landed upon our coast. Whenever that case happens, no true Englishman will. inquire whether the King's right to compel him to defend his country, be the custom of England, or a grant of the legislature. With regard to the press for seamen, it does not follow that the symp-toms may not be foftened, although the diftem-Cc 3

per cannot be cured. Let bounties be increased as far as the public purse can support them. Still they have a limit; and when every reasonable expence is incurred, it will be found, in fact, that the spur of the press is wanted to give operation

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Upon the whole, I never had a doubt about the first right of pressing, until I heard that Lord Mansfield had applauded Lord Chatham for delivering something like this doctrine in the house of Lords. That confideration flaggered me not a little. But, upon reflection, his conduct accounts naturally for itself. He knew the doctrine was unpopular, and was eager to fix it upon the man who is the first object of his fear and detestation. The cunning Scotchman never speaks truth without a fradulent defign. In council, he generally affects to take a moderate part. Besides his natural timidity, it makes part of his political plan. never to be known to recommend violent measures. When the guards are called forth to murder their fellow-subjects, it is not by the oftensible advice of Lord Mansfield. That odious office, his prudence tells him, is better left to fuch men as Gower and Weymouth, as Barrington and Grafton. Lord Hilfborough wifely confines his firmness to the distant Americans.—The defigns of Mansfield are more subtle, more effectual, and fecure.—Who attacks the liberty of the press?— Lord Mansfield.—Who invades the constitutional power of juries ?- Lord Mansfield .- What judge ever challenged a juryman, but Lord Mansfield? -Who was that judge, who, to fave the King's brother, affirmed that a man of the first rank and quality, who obtains a verdict in a fuit for criminal conversation, is entitled to no greater damages than the meanest mechanic?-Lord Mansfield.—Who is it makes commissioners of the great feal?-Lord Mansfield.-Who is it forms a decree

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decree for those commissioners, deciding against Lord Chatham, and afterwards (finding himself opposed by the judges) declares in parliament, that he never had a doubt that the law was in direct opposition to that decree ?- Lord Mansfield. -Who is he that has made it the study and practice of his life, to undermine and alter the whole fystem of jurisprudence in the court of King's Bench ?- Lord Mansfield. There never existed a man but himself, who answered exactly to so complicated a description. Compared to these enormities, his original attachment to the Pretender (to whom his dearest brother was confidential fecretary) is a virtue of the first magnitude. But the hour of impeachment will come, and neither he nor Grafton shall escape me. Now let them make common cause against England and the house of Hanover. A Stuart and a Murray should sympathife with each other.

When I refer to fignal instances of unpopular opinions delivered and maintained by men who may well be supposed to have no view but the public good, I do not mean to renew the discusfion of fuch opinions. I should be forry to revive the dormant questions of Stamp-act, Corn-bill, or Pres-warrant. I mean only to illustrate one useful proposition, which it is the intention of this paper to inculcate; -That we should not generally reject the friendship or services of any man because he differs from us in a particular opinion. This will not appear a fuperfluous caution, if we observe the ordinary conduct of mankind. In public affairs there is the least chance of a perfect concurrence of fentiment or inclination. Yet every man is able to contribute fomething to the common stock, and no man's contribution should be rejected. If individuals have no virtues, their vices may be of use to us. I care not with what principle the new-born patriot is animated, if the

measures he supports are beneficial to the community. The nation is interested in his conduct. His motives are his own. The properties of a patriot are perishable in the individual; but there is a quick fuccession of subjects, and the breed is worth preferving. The fpirit of the Americans may be an ufeful example to us. Our dogs and horses are only English upon English ground; but patriotism, it seems, may be improved by transplanting.-I will not reject a bill which tends to confine parliamentary privilege within reasonable bounds, though it should be stolen from the house of Cavendish, and introduced by Mr Onslow. The features of the infant are a proof of the descent. and vindicate the noble birth from the baseness of the adoption. - I willingly accept of a farcaim from Colonel Barre, or a fimile from Mr Burke. Even the filent vote of Mr Calcraft is worth reckoning in a division.—What though he riots in the plunder of the army, and has only determined to be a patriot when he could not be a peer?-Let us. profit by the affiftance of fuch men while they are with us, and place them, if it be possible, in. the post of danger, to prevent defertion. - The wary Wedderburne, the pompous Suffolk, neverthrew away the feabbard, nor ever went upon a forlorn. hope. They always treated the King's fervants. as men with whom, fome time or other, they might possibly be in friendship .- When a man. who stands forth for the public has gone that length from which there is no practicable retreat, -when he has given that kind of personal offence which a pious monarch never pardons, I then begin to think him in earnest, and that he never will have occasion to folicit the forgiveness of his country.—But inftances of a determination fo entire and unreserved are rarely met with. Let us take mankind as they are. Let us distribute the virtues and abilities of individuals, according to the

offices they affect; and, when they quit the fervice, let us endeavour to supply their places with better men than we have lost. In this country, there are always candidates enough for popular favour. The temple of fame is the shortest pas-

fage to riches and preferment.

Above all things, let me guard my countrymen against the meanness and folly of accepting of a trifling or moderate compensation for extraordinary and effential injuries. Our enemies treat us, as the cunning trader does the unskilful Indian. They magnify their generofity, when they give us baubles of little proportionate value, for ivory and gold. The fame house of commons, who robbed the constituent body of their right of free election; who prefumed to make a law, under pretence of declaring it; who paid our good King's debts, without once inquiring how they were incurred; who gave thanks for repeated murders committed at home, and for national infamy incurred abroad; who screened Mansfield; who imprisoned the magistrates of the metropolis for afferting the subject's right to the protection of the laws; who erased a judicial record, and ordered all proceedings in a criminal fuit to be suspended; -this very house of commons have graciously confented, that their own members may be compelled to pay their debts, and that contested elections shall for the future be determined with some decent regard to the merits of the case. The event of the suit is of no confequence to the crown. While parliaments are feptennial, the purchase of the sitting member or of the petitioner makes but the difference of a day .- Concessions such as these, are of little moment to the fum of things; unless it be to prove that the worst of men are sensible of the injuries they have done us, and perhaps to demonstrate to us the imminent danger of our fituation. In the shipwreck of the state, trisles float and are

preserved; while every thing solid and valuable finks to the bottom, and is lost for ever.

JUNIUS.

LETTER LX.

TO THE PRINTER OF THE PUBLIC ADVER-TISER.

SIR. Ост. 15. 1771. I Am convinced that Junius is incapable of wilfully mifreprefenting any man's opinion, and that his inclination leads him to treat Lord Camden with particular candour and respect. The doctrine attributed to him by Junius, as far as it goes, corresponds with that stated by your correspondent Scavola, who seems to make a distinction without a difference. Lord Camden, it is agreed, did certainly maintain, that, in the recess of parliament, the King (by which we all mean the King in council, or the executive power) might fuspend the operation of an act of the legislature; and he founded his doctrine upon a supposed necessity, of which the King, in the first instance, must be judge. The lords and commons cannot be judges of it in the first instance, for they do not exist .- Thus far Junius.

But, fays Scavola, Lord Camden made parliament, and not the King, judges of the necessity.—
That parliament may review the acts of ministers is unquestionable; but there is a wide difference between faying that the crown has a legal power, and that ministers may act at their peril. When we say that an act is illegal, we mean that it is forbidden by a joint resolution of the three estates. How a subsequent resolution of two of those branches can make it legal ab initio, will require explanation. If it could, the consequence would be truly dreadful, especially in these times. There

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is no act of arbitrary power which the King might not attribute to necessity, and for which he would not be secure of obtaining the approbation of his profituted lords and commons. If Lord Camden admits that the subsequent fanction of parliament was necessary to make the proclamation legal, why did he so obstinately oppose the bill which was foon after brought in for indemnifying all those persons who had acted under it ?- If that bill had not been passed, I am ready to maintain, in direct contradiction to Lord Camden's doctrine, (taken as Scavola states it), that a litigious exporter of corn, who had suffered in his property in confequence of the proclamation, might have laid his action against the custom-house officers, and would infallibly have recovered damages. No jury could refuse them; and if I, who am by no means litigious, had been so injured, I would affuredly have instituted a fuit in Westminster-hall, on purpose to try the question of right. I would have done it upon a principle of defiance of the pretended power of either or both houses to make declarations inconfiftent with law; and I have no doubt, that, with an act of parliament on my fide, I should have been too strong for them all. is the way in which an Englishman should speak and act; and not fuffer dangerous precedents to be established, because the circumstances are favourable or palliating.

With regard to Lord Camden, the truth is, that he inadvertently overshot himself, as appears plainly by that unguarded mention of a tyranny of forty days, which I myself heard. Instead of afferting that the proclamation was legal, he should have said, "My lords, I know the proclamation "was illegal; but I advised it because it was indispensably necessary to save the kingdom from

famine, and I submit myself to the justice and

" mercy of my country."

Such language as this would have been manly, rational, and confiftent :- not unfit for a lawyer, and every way worthy of a great man.

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united bright area PHILO JUNIUS.

P. S. If Scavola should think proper to write again upon this subject, I beg of him to give me a direct answer, that is, a plain affirmative or negative, to the following questions:-In the interval between the publishing such a proclamation (or order of council) as that in question, and its receiving the fanction of the two houses, of what nature is it?-is it legal or illegal? or is it neither one nor the other ?- I mean to be candid, and will point out to him the consequence of his anfwer either way. If it be legal, it wants no farther fanction; if it be illegal, the subject is not bound to obey it; confequently it is a uscless nugatory act, even as to its declared purpose. Before the meeting of parliament, the whole mifchief, which it means to prevent, will have been completed ned drad to testie to towed besites declarations incomficient with law ; and I have the

doder, that, with ad relief purhament on my but and I als male E T T E R LXI. ved blood I

is the way in which at I are thought you edit is to contain and the Topic or and the first or Oct. 17. 1771. SIR, THE fophistry of your letter in defence of Lord Mansfield, is adapted to the character you defend. But Lord Mansfield is a man of form, and feldom in his behaviour transgresses the rules of decorum. I shall imitate his Lordship's good manners, and leave you in the full possession of his principles. I will not call you liar, jesuit, or villain; but, with all the politeness imaginable, perhaps I may prove you fo.

Like other fair pleaders in Lord Mansfield's school of justice, you answer Junius by misquoting his words, and mis-stating his propositions. If I am candid enough to admit that this is the very logic taught at St Omer's, you will readily allow that it is the constant practice in the court of King's-Bench .- JUNIUS does not fay, that he never had a doubt about the strict right of pressing, till he knew Lord Mansfield was of the same opinion. His words are, until he heard that Lord Mansfield had applauded Lord Chatham for maintaining that dostrine in the house of Lords. It was not the accidental concurrence of Lord Mansfield's opinion, but the fuspicious applause given by a cunning Scotchman to the man he detests, that raised and justified a doubt in the mind of Junius. The question is not, Whether Lord Mansfield be a man of learning and abilities, (which Junius has never disputed); but, Whether or no he abuses and misapplies his talents.

Junius did not fay that Lord Mansfield had advised the calling out the Guards. On the contrary, his plain meaning is, that he left that odious office to men less cunning than himself .- Whether Lord Mansfield's doctrine concerning libels be or be not an attack upon the liberty of the press, is a question which the public in general are very well able to determine. I shall not enter into it at present. Nor do I think it necessary to fay much to a man, who had the daring confidence to fay to a jury, "Gentlemen, you are to bring " in a verdict guilty or not guilty; but whether " the defendant be guilty or innocent, is not mat-" ter for your consideration." Clothe it in what language you will, this is the fum total of Lord Mansfield's doctrine. If not, let Zeno shew us the

difference.

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But it seems, the liberty of the press may be abused, and the abuse of a valuable privilege is the certain means to lose it. The first I admit:—but let
the abuse be submitted to a jury; a sufficient, and
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indeed the only legal and conflitutional check upon the licence of the press. The fecond I flatly deny. In direct contradiction to Lord Mansfield, I affirm, that "the abuse of a valuable privilege " is not the certain means to lose it." If it were, the English nation would have few privileges left; for where is the privilege that has not, at one time or other, been abused by individuals. But it is false in reason and equity, that particular abuses should produce a general forfeiture. Shall the community be deprived of the protection of the laws, because there are robbers and murderers? -Shall the community be punished, because individuals have offended? Lord Mansfield fays fo, confiftently enough with his principles; but I wonder to find him fo explicit. Yet, for one concesfion, however extorted, I confess myself obliged to him: - The liberty of the press is after all a valuable privilege. I agree with him most heartily, and will defend it against him.

You ask me, What juryman was challenged by Lord Mansfield?—I tell you, his name is Benfon. When his name was called, Lord Mansfield ordered the clerk to pass him by. As for his reafons, you may ask himself, for he assigned none: but I can tell you what all men thought of it. This Benson had been refractory upon a former aury, and would not accept of the law as delivered by Lord Mansfield; but had the impudence to pretend to think for himfelf .- But you, it feems, honest Zeno, know nothing of the matter. You never read Junius's letter to your patron: You never heard of the intended instructions from the city to impeach Lord Mansfield: You never heard by what dexterity of Mr Paterson that measure was prevented. How wonderfully ill some people

are informed!

Junius did never affirm, that the crime of feducing the wife of a mechanic or a peer, is not the fame, up-

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same, taken in a moral or religious view. What he affirmed, in contradiction to the levelling principle so lately adopted by Lord Mansfield, was, that the damages should be proportioned to the rank and fortune of the parties; and for this plain reafon, (admitted by every other judge that ever fat in Westminster-hall), because, what is a compenfation or penalty to one man is none to another. The fophistical distinction you attempt to draw between the person injured and the person injuring, is Mansfield all over. If you can once establish the proposition, that the injured party is not intitled to receive large damages, it follows pretty. plainly, that the party injuring should not be compelled to pay them; consequently the King's brother is effectually screened by Lord Mansfield's doctrine. Your reference to Nathan and David come naturally in aid of your patron's professed fystem of jurisprudence. He is fond of introducing into the court of King's-Bench any law that contradicts or excludes the common law of England; whether it be canon, civil, jus gentium, or levitical. But, Sir, the Bible is the code of our religious faith, not of our municipal jurisprudence; and though it was the pleasure of God to inflict a particular punishment upon David's crime (taken as a breach of his divine commands), and to fend his prophet to denounce it, an English jury have nothing to do either with David or the prophet. They confider the crime only as it is a breach of order, an injury to an indidual, and an offence to fociety; and they judge of it by certain politive rules of law, or by the practice of their ancestors. Upon the whole, the man after God's. own heart is much indebted to you for comparing him to the Duke of Cumberland. That his Royal Highness may be the man after Lord Mansfield's own heart, feems much more probable; and you, I think, Mr Zeno, might succeed tolerably well D d 2 in

in the character of Nathan. The evil deity, the prophet, and the royal finner, would be very pro-

per company for one another.

You say Lord Mansfield did not make the commissioners of the Great Seal, and that he only advised the King to appoint. I believe Junius meant no more; and the distinction is hardly worth dis-

puting.

You say he did not deliver an opinion upon Lord Chatham's appeal.—I affirm that he did, directly in favour of the appeal. This is a point of fact, to be determined by evidence only. But you affign no reason for his supposed silence, nor for his desiring a conference with the judges the day before. Was not all Westminster-hall convinced that he did it with a view to puzzle them with some perplexing question, and in hopes of bringing some of them over to him?—You say the commissioners were very capable of framing a decree for themselves. By the sact, it only appears, that they were capable of framing an illegal one; which, I apprehend, is not much to the credit either of their learning or integrity.

We are both agreed, that Lord Mansfield has incessantly laboured to introduce new modes of proceeding in the court where he presides; but you attribute it to an honest zeal in behalf of innocence oppressed by quibble and chicane. I fay, that he has introduced new law too, and removed the landmarks established by former decisions. I fay, that his view is to change a court of common law into a court of equity, and to bring every thing within the arbitrium of a pratorian court. The public must determine between us. But now for his merits. First, then, the establishment of the judges in their places for life, (which you tell us was advised by Lord Mansfield), was a concesfion merely to catch the people. It bore the appearance of a royal bounty, but had nothing real

in it. The judges were already for life, excepting in the case of a demise. Your boasted bill only provides, that it shall not be in the power of the King's fucceffor to remove them. At the best, therefore, it is only a legacy, not a gift on the part of his present Majesty, since for himself he gives up nothing .- That he did oppose Lord Camden and Lord Northington upon the proclamation. against the exportation of corn is most true, and with great ability. With his talents, and taking the right fide of fo clear a question, it was impossible to speak ill.—His motives are not so eafily penetrated. They who are acquainted with the state of politics at that period, will judge of them somewhat differently from Zenos Of the popular bills, which you fay he supported in the house of Lords, the most material is unquestionably that of Mr Grenville, for deciding contested elections. But I should be glad to know upon what possible pretence any member of the Upper House could oppose such a bill, after it had passed. the house of commons?-I'do not pretend to know what share he had in promoting the other two bills; but I am ready to give him all the credit you desire. Still you will find, that a whole life of deliberate iniquity is ill atoned for, by doing now and then a laudable action upon a mixed or doubtful principle.-If it be unworthy of him, thus ungratefully treated, to labour any longer for the public, in God's name let him retire. His brother's patron (whose health he once was anxious for) is dead; but the fon of that unfortunate prince furvives, and, I dare fay, will be ready to receive him. PHILO JUNIUS. -ong of which and one

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LETTER LXII.

TO AN ADVOCATE IN THE CAUSE OF THE PEOPLE.

SIR. Ост. 18. 1771. VOU do not treat Junius fairly. You would not have condemned him so hastily, if you had ever read Judge Foster's argument upon the legality of pressing seamen. A man who has not read that argument, is not qualified to speak accurately upon the subject. In answer to strong facts and fair reasoning, you produce nothing but a vague comparison between two things which have little or no resemblance to each other. General warrants, it is true, had been often iffued; but they had never been regularly questioned or resisted until the case of Mr Wilkes. He brought them to trial; and the moment they were tried, they were declared illegal. This is not the case of Press Warrants. They have been complained of, queflioned, and refisted in a thousand instances; but still the legislature have never interposed, nor has there ever been a formal decision against them in any of the superior courts. On the contrary, they have been frequently recognized and admitted by parliament; and there are judicial opinions given in their favour by judges of the first character. Under the various circumstances stated by Junius, he has a right to conclude for himself, that there is no remedy. If you have a good one to propose, you may depend upon the affiftance and applause of Junius. The magistrate who guards the liberty of the individual, deserves to be commended. But let him remember, that it is also his duty to provide for, or at least not to hazard, the safety of the community. If in the case of a foreign war, and the expectation of an invasion, you would rather keep your fleet in harbour, than man it by preffing

pressing seamen who refuse the bounty, I have done.

You talk of disbanding the army with wonderful ease and indifference. If a wifer man held fuch language, I should be apt to suspect his sin-

cerity.

As for keeping up a much greater number of feamen in time of peace, it is not to be done. You will oppress the merchant, you will distress trade, and destroy the nursery of your feamen. He must be a miserable states man, who voluntarily by the same act increases the public expence, and lessens the means of supporting it.

PHILO JUNIUS.

LETTER LXIII.

Ост. 22. 1771.

A Friend of Junius desires it may be observed, (in answer to A Barrister at Law),

Imo, That the fact of Lord Mansfield's having ordered a juryman to be passed by (which poor Zeno never heard of) is now formally admitted.

When Mr Benson's name was called, Lord Mansfield was observed to flush in the face, (a fignal of guilt not uncommon with him), and cried out, Pass him by. This I take to be something more than a peremptory challenge. It is an unlawful command, without any reason assigned. That the counsel did not resist, is true; but this might happen either from inadvertence, or a criminal complaisance to Lord Mansfield.—You Barristers are too apt to be civil to my Lord Chief Justice, at the expence of your clients.

2do, Junius did never say that Lord Manssield had destroyed the liberty of the press. "That his "Lordship has laboured to destroy,—that his doc- trine is an attack upon the liberty of the press,

—that

—that it it is an invasion of the right of juries," are the propositions maintained by Junius. His opponents never answer him in point, for they never meet him fairly upon his own ground.

3tio, Lord Mansfield's policy, in endeavouring to screen his unconstitutional doctrines behind an act of the legislature, is easily understood.—Let every Englishman stand upon his guard;—the right of juries to return a general verdict, in all cases whatsoever, is a part of our constitution. It stands in no need of a bill, either enacting or declaratory, to consirm it.

4to, With regard to the Grosvenor cause, it is pleasant to observe, that the doctrine attributed by Junius to Lord Manssield, is admitted by Zeno and directly defended. The Barrister has not the affurance to deny it statly; but he evades the charge, and softens the doctrine by such poor contemptible quibbles as cannot impose upon the meanest

understanding.

sto, The quantity of business in the court of King's-Bench proves nothing but the litigious spirit of the people, arising from the great increase of wealth and commerce. Thefe, however, are now upon the decline, and will foon leave nothing but law-suits behind them. When Junius affirms that Lord Mansfield has laboured to alter the fystem of jurisprudence in the court where his lordship presides, he speaks to those who are able to look a little farther than the vulgar. Besides that the multitude are easily deceived by the imposing names. of equity and substantial justice, it does not follow. that a judge, who introduces into his court new modes of proceeding and new principles of law. intends, in every instance, to decide unjustly. Why should he, where he has no interest?-We fay that Lord Mansfield is a bad man, and a worfe judge; -but we do not fay that he is a mere devil. Our adversaries would fain reduce us to the difficulty of proving too much.—This artifice, however, shall not avail him. The truth of the matter is plainly this. When Lord Mansfield has succeeded in his scheme of changing a court of common law to a court of equity, he will have it in his power to do injustice whenever he thinks proper. This, though a wicked purpose, is neither absurd nor unattainable.

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6to, The last paragraph relative to Lord Chatham's cause cannot be answered. It partly refers to facts of too fecret a nature to be ascertained, and partly is unintelligible. " Upon one point, " the cause is decided against Lord Chatham .-"Upon another point, it is decided for him."-Both the law and the language are well fuited to a Barrister !- If I have any guess at this honest gentleman's meaning, it is, That " whereas the com-" missioners of the Great Seal saw the question " in a point of view unfavourable to Lord Chatham, " and decreed accordingly,-Lord Mansfield, out " of sheer love and kindness to Lord Chatham, took the pains to place it in a point of view " more favourable to the appellant." - Credat Judaus Appella .- So curious an affertion would ftagger the faith of Mr Sylva.

LETTER LXIV.

Nov. 2. 1771.

WE are defired to make the following declaration, in behalf of Junius, upon three material points, on which his opinion has been miftaken or mifrepresented.

imo, Junius considers the right of taxing the colonies, by an act of the British Legislature, as a speculative right merely, never to be exerted, nor ever to be renounced. To his judgment it appears plain, "That the general reasonings which

"were employed against that power went directly to our whole legislative right, and that one part of it could not be yielded to such arguments without a virtual surrender of all the rest."

2do, That, with regard to press-warrants, his argument should be taken in his own words, and answered strictly; -that comparisons may sometimes illustrate, but prove nothing; and that, in this case, an appeal to the passions is unfair and unnecessary. Junius feels and acknowledges the evil in the most express terms, and will show himfelf ready to concur in any rational plan that may provide for the liberty of the individual, without hazarding the fafety of the community. At the fame time, he expects that the evil, fuch as it is, be not exaggerated or misrepresented. In general, it is not unjust that, when the rich man contributes his wealth, the poor man should serve the state in person; -otherwise the latter contributes nothing to the defence of that law and constitution from which he demands fafety and protection. But the question does not lie between rich and poor. The laws of England make no fuch distinctions. Neither is it true that the poor man is torn from the care and support of a wife and family, helpless without him. The fingle question is, Whether the feaman *, in times of public danger, shall serve the merchant, or the state, in that profession to which he was bred, and by the exercife of which alone he can honeftly support himfelf and his family.—General arguments against the doctrine of necessity, and the dangerous use that may be made of it, are of no weight in this particular case. Necessity includes the idea of inevitable. Whenever it is fo, it creates a law to which all positive laws and all positive rights must

^{*} I confine myself strictly to feamen;—if any others are preffed, it is a gross abuse, which the magistrate can and should correct.

give way. In this fense the levy of ship-money by the King's warrant was not necessary, because the business might have been as well or better done by parliament. If the doctrine maintained by Junius be confined within this limitation, it will go but very little way in support of arbitrary power. That the King is to judge of the occasion, is no objection, unless we are told how it can possibly be otherwise. There are other instances, not less important in the exercise nor less dangerous in the abuse, in which the constitution relies entirely upon the King's judgment. The executive power proclaims war and peace, binds the nation by treaties, orders general embargoes, and impofes quarantines; not to mention a multitude of prerogative-writs, which, though liable to the great-

est abuses, were never disputed.

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atio, It has been urged as a reproach to Junius, that he has not delivered an opinion upon the Game Laws, and particularly the late Dogaft. But Junius thinks he has much greater reafon to complain, that he is never affifted by those who are able to affift him; and that almost the whole labour of the press is thrown upon a single hand, from which a discussion of every public question whatsoever is unreasonably expected. He is not paid for his labour, and certainly has a right to choose his employment.—As to the Game Laws, he never scrupled to declare his opinion, that they are a species of the Forest Laws; that they are oppressive to the subject; and that the spirit of them is incompatible with legal liberty:-That the penalties imposed by these laws bear no proportion to the nature of the offence; that the mode of trial, and the degree and kind of evidence necesfary to convict, not only deprive the subject of all the benefits of a trial by jury, but are in themfelves too fummary, and to the last degree arbitrary and oppressive: That, in particular, the late

acts to prevent dog-stealing, or killing game between fun and fun, are distinguished by their abfurdity, extravagance, and pernicious tendency. If thefe terms are weak or ambiguous, in what language can Junius express himself?—It is no excuse for Lord Mansfield to say, that he bappened to be absent when these bills passed the house of lords. It was his duty to be present. Such bills could never have passed the house of commons without his knowledge. But we very well know by what rule he regulates his attendance. When that order was made in the house of lords in the case of Lord Pomfret, at which every Englishman shudders, my honest Lord Mansfield found himself, by mere accident, in the court of King's-bench:-Otherwise he would have done wonders in defence of law and property! The pitiful evafion is adapted to the character. But Junius will never justify himself by the example of this bad man. The distinction between doing wrong, and avoiding to do right, belongs to Lord Mansfield. Junius disclaims it.

LETTER LXV.

TO LORD CHIEF JUSTICE MANSFIELD.

Nov. 2. 1771.

AT the intercession of three of your countrymen, you have bailed a man who, I prefume, is also a Scotchman, and whom the Lord Mayor of London had refused to bail. I do not mean to enter into an examination of the partial, finister motives of your conduct; but, confining myfelf strictly to the fact, I affirm, that you have done that which by law you were not warranted to do. The thief was taken in the theft; -the stolen goods were found upon him, and he made no defence. In these circumstances, (the truth of which you

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you dare not deny, because it is of public notoriety), it could not stand indifferent whether he was guilty or not, much less could there be any prefumption of his innocence; and, in these circumstances, I affirm, in contradiction to YOU, LORD CHIEF JUSTICE MANSFIELD, that, by the laws of England, he was not bailable. If ever Mr Eyre should be brought to trial, we shall hear what You have to say for yourself; and I pledge myself, before God and my country, in proper time and place, to make good my charge against you.

JUNIUS.

LETTER XLVI.

TO THE PRINTER OF THE PUBLIC ADVER-

JUNIUS engages to make good his charge against Lord Chief Justice Mansfield some time before the meeting of parliament, in order that the house of commons may, if they think proper, make it one article in the impeachment of the said Lord Chief Justice.

LETTER LXVII.

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TO HIS GRACE THE DUKE OF GRAFTON.

WHAT is the reason, my Lord, that when almost every man in the kingdom, without distinction of principles or party, exults in the ridiculous defeat of Sir James Lowther; when good and bad men unite in one common opinion of that baronet, and triumph in his distress, as if the event (without any reference to vice or virtue) were interesting to human nature; your Grace alone E e should

should appear to miferably depressed and afflicted? In fuch universal joy, I know not where you will look for a compliment of condolence, unless you appeal to the tender, sympathetic forrows of Mr Bradhaw. That cream-coloured gentleman's tears, affecting as they are, carry confolation with them. He never weeps but, like an April Thower, with a lambent ray of funshine upon his countenance. From the feelings of honest men upon this joyful occasion, I do not mean to draw any conclusion to your Grace. They naturally rejoice when they fee a fignal instance of tyranny refisted with success: -of treachery exposed to the derision of the world; -an infamous informer defeated, and an impudent robber dragged to the public gibbet.-But, in the other class of mankind, I own I expected to meet the Duke of Grafton. Men who have no regard for justice, nor any fense of honour, feem as heartily pleafed with Sir James Lowther's welldeserved punishment, as if it did not constitute an example against themselves. The unhappy Baronet has no friends, even among those who resemble him. You, my Lord, are not reduced to fo deplorable a state of dereliction. Every villain in the kingdom is your friend; and, in compliment to fuch amity, I think you should suffer your dismal countenance to clear up. Besides, my Lord, I am a little anxious for the confiftency of your character. You violate your own rules of decorum, when you do not infult the man whom you have betrayed.

The divine justice of retribution seems now to have begun its progress. Deliberate treachery entails punishment upon the traitor. There is no possibility of escaping it, even in the highest rank to which the consent of society can exalt the meanest and worst of men. The forced, unnatural union of Luttrell and Middlesex was an omen of another unnatural union, by which indefeasible

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infamy is attached to the house of Brunswick. If one of these acts was virtuous and honourable, the best of Princes, I thank God, is happily rewarded for it by the other.—Your Grace, it has been said, had some share in recommending Colonel Luttrell to the King;—or was it only the gentle Bradshaw who made himself answerable for the good behaviour of his friend? An intimate connection has long subsisted between him and the worthy Lord Imham. It arose from a fortunate similarity of principles, cemented by the constant mediation of their common friend Miss Davis *.

Yet I confess I should be forry that the opprobrious infamy of this match should reach beyond the family.—We have now a better reason than E e 2

There is a certain family in this country, on which nature feems to have entailed an hereditary baseness of disposition. As far as their history has been known, the son has regularly improved upon the vices of his father, and has taken care to transmit them pure and undiminished into the bosom of his successor. In the senate, their abilities have confined them to those humble, for-did services in which the scavengers of the ministry are usually employed. But, in the memoirs of private treachery, they stand first and unrivalled. The following story will serve to illustrate the character of this respectable family, and to convince the world that the present possessor has as clear a title to the infamy of his ancestors as he has to their estate. It deserves to be recorded for the curiosity of the fact, and should be given to the public as a warning to every honest member of society.

The present Lord Irnham, who is now in the decline of life, lately cultivated the acquaintance of a younger brother of a family with which he had lived in some degree of intimacy and friendship. The young man had long been the dupe of a most unhappy attachment to a common prostitute. His friends and relations foresaw the consequences of this connection, and did every thing that depended upon them to save him from ruin. But he had a friend in Lord Irnham, whose advice rendered all their endeavours ineffectual. This hoary letcher, not contented with the enjoyment of his friend's mistress, was base enough to take advantage of the passions and folly of a young man, and persuaded him to marry her. He descended even to perform the office of father to the prostitute. He gave her to his friend, who was on the point of leaving the kingdom, and the next night lay with her himself.

Whether the depravity of the human heart can produce anything more base and detestable than this fact, must be left undetermined, until the son shall arrive at the father's age and experience

and the welfare of his royal iffue.—I will not mix any thing ominous with my prayers;—but let parliament look to it.—A Luttrell shall never succeed to the crown of England.—If the hereditary virtues of the family deserve a kingdom, Scotland

will be a proper retreat for them.

The next is a most remarkable instance of the goodness of Providence. The just law of retaliation has at last overtaken the little contemptible tyrant of the North. To the fon-in-law of your dearest friend the Earl of Bute you meant to transfer the Duke of Portland's property; and you hastened the grant with an expedition unknown to the Treasury, that he might have it time enough. to give a decifive turn to the election for the county. The immediate consequence of this flagitious robbery was, that he loft the election which you meant to insure to him, and with such fignal circumstances of scorn, reproach, and infult, (to fay: nothing of the general exultation of all parties), as (excepting the King's brother-in-law Col. Luttrell, and old Simon his father-in-law) hardly ever fell upon a gentleman in this country.—In the event, he loses the very property of which he thought he had gotten possession, and after an expence which would have paid the value of the and in question twenty times over .- The forms of villainy, you see, are necessary to its success. Hereafter you will act with greater circumfpection, and not drive so directly to your object. To fnatch a grace beyond the reach of common treachery, is an exception, not a rule.

And now, my good Lord, does not your conficious heart inform you, that the justice of retribution begins to operate, and that it may soon approach your person?—Do you think that Junius has renounced the Middlesex election?—or that the King's timber shall be resused to the Royal

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Navy with impunity?—or that you shall hear no more of the sale of that patent to Mr Hine, which you endeavoured to skreen by suddenly dropping your prosecution of Samuel Vaughan, when the rule against him was made absolute? I believe indeed there never was such an instance in all the history of negative impudence.—But it shall not save you. The very sunshine you live in is a prelude to your dissolution. When you are ripe, you shall be plucked.

JUNIUS.

P. S. I beg you will convey to our gracious mafter my humble congratulations upon the glorious fuccess of peerages and pensions, so lavishly distributed as the rewards of Irish virtue.

ad anthority of vone office, and are no longer,

defence, but flouid endeavour to facilee vourielf

LETTER XLVIII.

TO LORD CHIEF JUSTICE MANSFIELD.

Hay wat ve Andw Indi Sand oven Jan. 21. 1772. HAVE undertaken to prove, that when, at the intercession of three of your countrymen, you bailed John Eyre, you did that which by law you were not warranted to do; and that a felon, under the circumstances of being taken in the fact, with the stolen goods upon him, and making no defence, is not bailable by the laws of England. Your learned advocates have interpreted this charge into a denial that the court of King's-bench, or the judges of that court during the vacation, have any greater authority to bail for criminal offences than a justice of peace. With the instance before me, I am supposed to question your power of doing: wrong, and to deny the existence of a power at the fame moment that I arraign the illegal exercife of it. But the opinions of fuch men, whether wilful in their malignity, or fincere in their ignorance, are unworthy of my notice. You, Ee3

Lord Mansfield, did not understand me fo; and, I promise you, your cause requires an abler desence. -I am now to make good my charge against you. Howeverdull my argument, the subject of it is interesting. I shall be honoured with the attention of the public, and have a right to demand the attention of the legislature. Supported as I am by the whole body of the criminal law of England, I have no doubt of establishing my charge. If, on your part, you should have no plain, substantial defence, but should endeavour to shelter yourself under the quirk and evalion of a practiling lawyer, or under the mere infulting affertion of power without right, the reputation you pretend to is gone for ever; -you ftand degraded from the respect and authority of your office, and are no longer, de jure, Lord Chief Justice of England. This letter, my Lord, is addressed, not so much to you, as to the public. Learned as you are, and quick in apprehension, few arguments are necessary to fatisfy you, that you have done that which by law you were not warranted to do. Your conscience already tells you, that you have finned against knowledge, and that whatever defence you make contradicts your own internal conviction. But other men are willing enough to take the law up trust. They rely upon your authority, because they are too indolent to fearch for information; or, conceiving that there is some mystery in the laws of their country which lawyers only are qualified to explain, they diftrust their judgment, and voluntarily renounce the right of thinking for themselves. With all the evidence of history before. them, from Tresillian to Jefferies, from Jefferies to Mansfield, they will not believe it possible that a learned judge can act in direct contradiction to those laws which he is supposed to have made the Rudy of his life, and which he has sworn to administer faithfully. Superstition is certainly not the

the characteristic of this age. Yet some men are bigotted in politics who are insidels in religion.— I do not despair of making them ashamed of their

credulity.

The charge I brought against you is expressed in terms guarded and well considered. They do not deny the strict power of the judges of the court of King's Bench to bail in cases not bailable by a justice of peace, nor replevisable by the common writ, or ex officio by the sheriss. I well know the practice of the court, and by what legal rules it ought to be directed. But, far from meaning to soften or diminish the force of those terms I have made use of, I now go beyond them, and affirm,

I. That the superior power of bailing for selony, claimed by the court of King's Bench, is sounded upon the opinion of lawyers, and the practice of the court;—that the affent of the legislature to this power is merely negative, and that it is not supported by any positive provision in any statute

whatfoever -If it be, produce the statute.

II. Admitting that the judges of the court of King's Bench are vested with a discretionary power. to examine and judge of circumstances and allegations which a justice of peace is not permitted to consider, I affirm that the judges, in the use and application of that discretionary power, are as firictly bound by the spirit, intent, and meaning, as the justice of peace is by the words, of the legislature. Favourable circumstances, alleged before the judge, may justify a doubt whether the prisoner be guilty or not; and, where the guilt is doubtful, a presumption of innocence should, in general, be admitted. But, when any fuch probable circumstances are alleged, they alter the state and condition of the prisoner. He is no longer that all-but-convicted felon whom the law intends, and who by law is not bailable at all. If

no circumstances whatsoever are alleged in his faivour;-if no allegation whatfoever be made to lessen the force of that evidence which the law annexes to a positive charge of felony, and particularly to the fact of being taken with the maner; I then fay, that the Lord Chief Justice of England has no more right to bail him than a justice of peace. The discretion of an English judge is not of mere will and pleasure; -it is not arbitrary; it is not capricious; but, as that great lawyer, (whose arthority I wish you respected half as much as I do) truly fays *, " Discretion, taken as it " ought to be, is, discernere per legem quid sit jus-" tum. If it be not directed by the right line of " the law, it is a crooked cord, and appeareth to be unlawful."-If discretion were arbitrary in the judge, he might introduce whatever novelties he thought proper. But, fays Lord Coke, " No-" velties, without warrant of precedents, are not to be allowed; some certain rules are to be fol-" lowed ;- Quicquid judicis authoritati subjicitur, " novitati non subjicitur ?" and this found doctrine is applied to the Star-chamber, a court confessedly. arbitrary. If you will abide by the authority of this great man, you shall have all the advantage of his opinion, wherever it appears to favour you. Excepting the plain express meaning of the legislature, to which all private opinions must give way, I defire no better judge between us than Lord Coke.

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III. I affirm, that, according to the obvious indisputable meaning of the legislature, repeatedly
expressed, a person positively charged with feloniously stealing, and taken in flagrante delicto, with
the stolen goods upon him, is not bailable. The
law considers him as differing in nothing from a
convict, but in the form of conviction; and (whatever a corrupt judge may do) will accept of no security

curity but the confinement of his body within four walls. I know it has been alleged in your favour, that you have often bailed for murders, rapes, and other manifest crimes. Without questioning the fact, I shall not admit that you are to be justified by your own example. If that were a protection to you, where is the crime, that, as a judge, you might not now fecurely commit? But neither shall I suffer myself to be drawn aside from my present argument, nor you to profit by your own wrong.—To prove the meaning and intent of the legislature, will require a minute and tedious deduction. To investigate a question of law, demands fome labour and attention; though very little genius or fagacity. As a practical profefsion, the study of the law requires but a moderate portion of abilities. The learning of a pleader is usually upon a level with his integrity. The indiscriminate desence of right and wrong contracts the understanding, while it corrupts the heart. Subtlety is foon mistaken for wisdom, and impunity for virtue. If there be any instances upon record, as fome there are undoubtedly, of genius and morality united in a lawyer, they are distinguished by their fingularity, and operate as excep-

I must folicit the patience of my readers. This is no light matter; nor is it any more susceptible of ornament, than the conduct of Lord Manssield

is capable of aggravation.

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As the law of bail, in charges of felony, has been exactly ascertained by acts of the legislature, it is at present of little consequence to inquire how it stood at common law before the statute of Westminster. And yet it is worth the reader's attention to observe, how nearly, in the ideas of our ancestors, the circumstance of being taken with the maner approached to the conviction of the felon,

felon *. It "fixed the authoritative stamp of veri-" fimilitude upon the accufation; and, by the " common law, when a thief was taken with the " maner (that is, with the thing stolen upon him, " in manu) he might, so detected flagrante delicto, " be brought into court, arraigned and tried, with-" out indictment; as, by the Danish law, he might " be taken and hanged upon the fpot, without ac-" cufation or trial." It will foon appear that our statute-law, in this behalf, though less summary in point of proceeding, is directed by the same spirit. In one instance, the very form is adhered to. In offences relating to the forest, if a man was taken with vert, or venison +, it was declared to be equivalent to indictment. To enable the reader to judge for himself, I shall state, in due order, the several statutes relative to bail in criminal cases, or as much of them as may be material to the point in question, omitting superfluous words. If I mifrepresent, or do not quote with fidelity, it will not be difficult to detect me.

the statute of Westminster the first, in 1275, fets forth, that "Forasmuch as sherists and others, "who have taken and kept in prison persons detected of selony, and incontinent have let out
by replevin such as were not replevisable, because
they would gain of the one party and grieve the
other; and forasmuch as, before this time, it
was not determined which persons were replevisable, and which not, it is provided, and by
the King commanded, that such prisoners, &c.
as be taken with the maner, &c. or for manifest
offences, shall be in no wise replevisable by the
common writ, nor without writ." §—Lord

* Blackflone, 4. 303.

† Ed. III cap. 8.—and 7 Rich. II. cap. 4.

† "Videtur que le statute de mainprise ne st que rehersal del comon

^{§ &}quot;There are three points to be confidered in the conftruction of all remedial statutes;—the old law, the mischief, and the remedy;

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Coke in his exposition of the last part of this quotation, accurately diftinguishes between replevy by the common writ, or ex officio, and bail by the King's Bench. The words of the flatute certainly do not extend to the judges of that court. But, besides that the reader will soon find reason to think that the legislature, in their intention, made no difference between bailable and replevisable, Lord Coke himself (if he be understood to mean nothing but an exposition of the statute of Westminster, and not to state the law generally) does not adhere to his own distinction. In expounding the other offences which, by this statute, are declared not replevisable, he constantly uses the words not bailable.- " That outlaws, for instance, are " not bailable at all; -that persons who have ab-" jured the realm, are attainted upon their own " confession, and therefore not bailable at all by " law; -that provers are not bailable; -that notorious felons are not bailable." The reason why the fuperior courts were not named in the flatute of Westminster, was plainly this, " because anse ciently most of the business touching bailment " of prisoners for felony or misdemeanours, was " performed by the sheriffs, or special bailiffs of " liberties, either by writ, or virtute officii *;" confequently the fuperior courts had little or no opportunity to commit those abuses which the statute imputes to the sheriffs .- With submission to Dr Blackstone, I think he has fallen into a contradiction; which, in terms at least, appears irreconcileable. After enumerating feveral offences not bailable, he afferts, without any condition or limitation whatfoever +, " All thefe are clearly not

[&]quot; remedy;—that is, how the common law stood at the making of the act, what the mischief was for which the common law

did not provide, and what remedy the parliament hath provided to cure this mischief. It is the business of the judges so to construce the act, as to suppress the mischief and advance the remedy."

Blackftone, 1. 87.

fays, "it is agreed that the court of King's Bench may bail for any crime whatfoever, according to circumstances of the case." To his first proposition he should have added, by Sheriffs or Justices: otherwise the two propositions contradict each other; with this difference, however, that the first is absolute, the second limited by a consideration of circumstances. I say this without the least intended disrespect to the learned author. His work is of public utility, and should not hastily be condemned.

The statute of 17 Richard II. cap. 10. 1393, sets forth, that "Forasmuch as thieves notoriously defamed, and others taken with the maner, by their long abiding in prison, were delivered by charters, and savourable inquests procured, to the great hindrance of the people, two men of law shall be assigned, in every commission of the peace, to proceed to the deliverance of such felons, &c." It seems by this act, that there was a constant struggle between the legislature and the officers of justice. Not daring to admit selons taken with the maner to bail or mainprize, they evaded the law by keeping the party in prison a long time, and then delivering him without due trial.

The statute of 1 Richard III. in 1483, sets forth, that "Forasmuch as divers persons have been daily arrested and imprisoned for suspicion of selling long, sometime of malice, and sometime of a light suspicion, and so kept in prison without bail or mainprize, be it ordained, that every justice of peace shall have authority, by his discretion, to let such prisoners and persons so armested to bail or mainprize."—By this act it appears, that there had been abuses in matter of imprisonment, and that the legislature meant to provide

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vide for the immediate enlargement of persons ar-

rested on light suspicion of felony.

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The statute of 3d Henry VII. in 1486, declares, that, " under colour of the preceding act of Ri-" chard the Third, persons, such as were not main-" pernable, were oftentimes let to bail or main-" prize by justices of the peace, whereby many " murderers and felons escaped, the King, &c. " hath ordained, that the justices of the peace, " or two of them at least, (whereof one to be of " the quorum,), have authority to let any fuch of prisoners or persons, mainpernable by the law,

" to bail or mainprize." The statute of 1st and 2d of Philip and Mary. in 1554, fets forth, that, " notwithstanding the of preceding statute of Henry the Seventh, one " justice of peace hath oftentimes, by finister la-" bour and means, let at large the greatest and " notablest offenders, such as be not replevisable " by the laws of this realm; and yet, the rather to " hide their affections in that behalf, have figned the cause of their apprehension to be but only " for suspicion of felony, whereby the faid offen-" ders have escaped unpunished, and do daily, to " the high displeasure of Almighty God, the great " peril of the King and Queen's true subjects, " and encouragement of all thieves and evil-" doers; -for reformation whereof be it enacted, "that no justices of peace shall let to bail or main-" prize any fuch persons, which, for any offence " by them committed, be declared not to be re-" plevised, or bailed, or be forbidden to be reple-" vised or bailed by the statute of Westminster the " first; and furthermore, that any persons, ar-" rested for manslaughter, selony, being bailable " by the law, shall not be let to bail or mainprize " by any justices of peace, but in the form there-" in after prescribed."-In the two preceding statutes, the words bailable, replevisable, and main-Ff pernable

pernable, are used fynonimously *, or promiscuoully, to express the same single intention of the legislature, viz. not to accept of any fecurity but the body of the offender; and when the larter flatute prescribes the form in which persons arrested on suspicion of felony (being bailable by the law) may be let to bail, it evidently supposes, that there are some cases not bailable by the law.-It may be thought, perhaps, that I attribute to the legislature an appearance of inaccuracy in the ufe of terms, merely to ferve my prefent purpofe. But in truth it would make more forcibly for my argument, to prefume, that the legislature were constantly aware of the strict legal distinction between bail and replevy, and that they always meant to adhere to it +. For if it be true that replevy is by the theriffs, and bail by the higher courts at Westminster, (which I think no lawyer will deny), it follows, that when the legislature expressly fay, that any particular offence is by law not bailable, the fuperior courts are comprehended in the prohibition, and bound by it. Otherwise, unless there was a politive exception of the superior courts (which I affirm there never was in any ftatute relative to bail), the legislature would grofsly contradict themselves, and the manifest intention of the law be evaded. It is an established rule, that when the law is special, and reason of it general, it is to be generally understood; and though by custom a latitude be allowed to the court of King's-Bench, (to confider circumstances inductive of a doubt, whether the prisoner be guilty or innocent), if this latitude be taken as an arbitrary power to bail, when no circumstances whatsoever are alleged in favour of the prisoner, it is a power without

Selden, State Tr. vii, 149.

^{* 2} Hale, P. C. ii 124.

[†] Vide 2d Inft. 150. 186.—" The word replevisable never figse rifies bailable. Bailable is in a court of record by the King's is justices; but replevisable is by the Sheriff.

without right, and a daring violation of the whole

English law of bail.

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The act of the 31st of Charles the Second (commonly called the Habeas Corpus act) particularly declares, that it is not meant to extend to treason or felony plainly and specially expressed in the warrant of commitment. The prisoner is therefore left to feek his haheas corpus at common law; and fo far was the legislature from supposing that persons (committed for treason or felony plainly and specially expressed in the warrant of commitment) could be let to bail by a fingle judge, or by the whole court, that this very act provides a remedy for fuch persons, in case they are not indicted in the course of the term or sessions subfequent to their commitment. The law neither fuffers them to be enlarged before trial, nor to be imprisoned after the time in which they ought regularly to be tried. In this case the law says, " It shall and may be lawful to and for the judges " of the court of King's-Bench, and justices of oyer and terminer, or general goal delivery, and " they are hereby required, upon motion to them made in open court, the last day of the term, " fession, or goal delivery, either by the prisoner " or any one in his behalf, to fet at liberty the " prisoner upon bail; unless it appear to the jud-" ges and justices, upon oath made, that the wit-" nesses for the king could not be produced the " fame term, fessions, or goal-delivery."-Upon the whole of this article, I observe, 1. That the provision made in the first part of it, would be, in a great measure, useless and nugatory, if any fingle judge might have bailed the prisoner ex arbitrio during the vacation; or if the court might have bailed him immediately after the commencement of the term or fessions .- 2. When the law fays, It shall and may be lawful to bail for felony under particular circumstances, we must presume, Ff 2

that before the passing of that act, it was not law-ful to bail under those circumstances. The terms used by the legislature are enacting, not declaratory.—3. Notwithstanding the party may have been imprisoned during the greatest part of the vacation, and during the whole session, the court are expressly forbidden to bail him from that session to the next, if oath be made that the witnesses for the King could not be produced that same term or sessions.

Having faithfully stated the several acts of parliament relative to bail in criminal cases, it may be useful to the reader to take a short historical review of the law of bail, through its various gra-

dations and improvements.

By the ancient common law, before and fince the conquest, all felonies were bailable, till murder was excepted by statute; fo that persons might be admitted to bail, before conviction, almost in every case. The statute of Westminster says, that before that time, it had not been determined which offences were replevifable, and which were not, whether by the common writ de homine replegiando, or ex officio by the sheriff. It is very remarkable, that the abuses arising from this unlimited power of replevy, dreadful as they were. and destructive to the peace of fociety, were not corrected or taken notice of by the legislature, until the commons of the kingdom had obtained a Thare in it by their representatives; but the house of commons had scarce begun to exist, when these formidable abuses were corrected by the statute of Westminster. It is highly probable, that the mischief had been severely felt by the people, although no remedy had been provided for it by the Norman Kings or Barons. * "The iniquity of the times was fo great, as it even forced the se subjects to forego that, which was in account

^{*-} Selden, by N. Bacon, 182.

" a great liberty, to stop the course of a growing "mischies." The preamble to the statutes, made by the first parliament of Edward the First, assigns the reason of calling it +, "because the people had been otherwise entreated than they ought to be, the peace less kept, the laws less used, and offenders less punished, than they ought to be, by reason whereof the people feared less to offenders and the first attempt to reform these various abuses, was by contracting the power of

replevying felons.

For above two centuries following, it does not appear that any alteration was made in the law of bail, except that being taken with vert or venifon was declared to be equivalent to indicament. The legislature adhered firmly to the spirit of the statute of Westminster. The statute of 27th of Edward the First, directs the justices of assize to inquire and punish officers bailing such as were not bailable. As for the judges of the superior courts, it is probable, that in those days they thought themselves bound by the obvious intent and meaning of the legislature. They considered not fo much to what particular persons the prohibition was addressed, as what the thing was which the legislature meant to prohibit; well knowing, that in law, quando aliquid prohibetur, prohibetur et omne, per quod devenitur ad illud. " When any " thing is forbidden, all the means by which the " fame thing may be compassed or done, are " equally forbidden."

By the statute of Richard the Third, the power of bailing was a little enlarged. Every justice of peace was authorised to bail for felony; but they were expressly confined to persons arrested on light suspicion; and even this power, so limited, was found to produce such inconveniences, that, in three years after, the legislature sound it necessary

[†] Parliamentary History, i. 82.

to repeal it. Instead of trusting any longer to a fingle justice of peace, the act of 3d Henry VII. repeals the preceding act, and directs, " that no " prisoner (of those who are mainpernable by the " law) shall be let to bail or mainprise by less "than two justices, whereof one to be of the quorum." And so indispensably necessary was this provision thought for the administration of justice, and for the security and peace of society, that at this time an oath was proposed by the King, to be taken by the knights and efquires of his household, by the members of the house of commons, and by the peers spiritual and temporal, and accepted and fworn to quafi una voce by them all; which, among other engagements, binds them " not to let any man to bail or mainprife, " knowing and deeming him to be a felon, upon " your honour and worship. So help you God " and all faints "."

In about half a century, however, even these provisions were found insufficient. The act of Henry the seventh was evaded, and the legislature once more obliged to interpose. The act of 1st and 2d of Philip and Mary, takes away entirely from the justices all power of bailing for offences declared not bailable by the statute of Westminster.

The illegal imprisonment of several persons who had refused to contribute to a loan exacted by Charles the First, and the delay of the habeas corpus, and subsequent resusal to bail them, constituted one of the first and most important grievances of that reign. Yet when the house of commons, which met in the year 1628, resolved upon measures of the most firm and strenuous resistance to the power of imprisonment assumed by the King or privy-council, and to the resusal to bail the party on the return of the habeas corpus, they

Parliamentary History, ii. 419.

did expressly, in all their resolutions, make an exception of commitments, where the cause of the restraint was expressed, and did by law justify the commitment. The reason of the distinction is. that whereas, when the cause of commitment is expressed, the crime is then known, and the offender must be brought to the ordinary trial; if, on the contrary, no cause of commitment be expressed, and the prisoner be thereupon remanded, it may operate to perpetual imprisonment. This contest with Charles the First produced the act of the 16th of that king; by which the court of King's Bench are directed, within three days after the return to the kabeas corpus, to examine and determine the legality of any commitment by the King or privy-council, and to do what to justice shall appertain, in delivering, bailing, or remanding the prisoner.-Now, it feems, it is unnecessary for the judge to do what appertains to justice. The fame fcandalous traffic, in which we have feen the privilege of parliament exerted or relaxed, to gratify the present humour, or to serve the immediate purpose, of the crown, is introduced into the administration of justice. The magistrate, it feems, has now no rule to follow, but the dictates of personal enmity, national partiality, or perhaps the most prostituted corruption.

To complete this historical inquiry, it only remains to be observed, that the habeas corpus act of 31st of Charles the Second, so justly considered as another Magna Charta of the kingdom *, "exitends only to the case of commitments for such criminal charge, as can produce no inconvenience to public justice by a temporary enlargement of the prisoner."—So careful were the legislature, at the very moment when they were providing for the liberty of the subject, not to surnish any colour or pretence for violating or eva-

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Blackstone, iv. 137.

ding the established law of bail in the higher criminal offences. But the exception, stated in the body of the act, puts the matter out of all doubt. After directing the judges how they are to proceed to the discharge of the prisoner upon recognizance and surety, having regard to the quality of the prisoner and nature of the offence, it is expressly added, "unless it shall appear to the said "Lord Chancellor, &c. that the party so committed is detained for such matters or offences, for the which, BY THE LAW, THE PRI-

" SONER IS NOT BAILABLE."

When the laws, plain of themselves, are thus illustrated by facts, and their uniform meaning established by history, we do not want the authority of opinions, however respectable, to inform our judgment, or to confirm our belief. But I am determined that you shall have no escape. Authority of every fort shall be produced against you, from Jacob to Lord Coke, from the dictionary to the classic.—In vain shall you appeal from those upright judges whom you disdain to imitate, to those whom you have made your example. With one voice they all condemn you.

"To be taken with the maner, is where a thief, having stolen any thing, is taken with the same about him, as it were in his hands, which is called flagrante delicto. Such a criminal is not

" bailable by law."—Jacob, under the word Maner.
"Those who are taken with the maner are excluded, by the statute of Westminster, from
the benefit of a replevin."—Hawkins, P. C. ii.
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"Of fuch heinous offences, no one, who is notoriously guilty, seems to be bailable by the

" intent of this statute."-Ditto, ii. 99.

"The common practice and allowed general rule is, that bail is only then proper where it "ftands

" stands indifferent, whether the party were guil-

" ty or innocent."-Ditto, ditto.

"There is no doubt, but that the bailing of a person, who is not bailable by law, is punishable, either at common law as a negligent escape, or

" as an offence against the several statutes relative

" to bail."-Ditto, 89.

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"It cannot be doubted, but that neither the judges of this, nor of any other superior court of justice, are strictly within the purview of that statute; yet they will always, in their discretion, pay a due regard to it, and not admit a person to bail, who is expressly declared by it irreplevisable, without some particular circumsessible states in his favour; and therefore it seems discipled to find an instance, where persons, attainted of selony, or notoriously guilty of treassion, or otherwise, have been admitted to the benefit of bail, without some special motive to

"If it appears that any man hath injury or wrong by his imprisonment, we have power to deliver and discharge him;—if otherwise, he is to be remanded by us to prison again."—Lord

Ch. J. Hyde, State Trials, vii. 115.

"The statute of Westminster was especially for direction to the Sheriss and others; but to say courts of justice are excluded from this statute, I conceive it cannot be."—Attorney General

Heath, Ditto, 132.

"The court, upon view of the return, judgeth of the fufficiency or infufficiency of it. If they think the prisoner in law to be bailable, he is committed to the Marshal and bailed; if not, he is remanded."—Through the whole debate, the objection on the part of the prisoners was, that no cause of commitment was expressed in the warrant; but it was uniformly admitted by their counsel,

counsel, that if the cause of commitment had been expressed for treason or selony, the court would then have done right in remanding them.

The Attorney-General having urged, before a committee of both houses, that, in Beckwith's case and others, the lords of the council sent a letter to the court of King's-Bench to bail, it was replied by the managers of the house of commons, that this was of no moment: "for that either the prisoner was bailable by the law, or not bail- able.—If bailable by the law, then he was to be bailed without any such letter;—if not bail- able by the law, then plainly the judges could not have bailed him upon the letter, without breach of their oath, which is, that they are to do justice according to the law, &c."—State Trials, vii. 175.

"So that in bailing upon such offences of the highest nature, a kind of discretion, rather than a constant law, hath been exercised, when it stands wholly indifferent in the eye of the court, whether the prisoner be guilty or not." Selden,

St. Tr. vii. 230. 1.

"I deny that a man is always bailable when imprisonment is imposed upon him for custowy." Attorney-General Heath, ditto, 238.—By these quotations from the State Trials, though otherwise not of authority, it appears plainly, that in regard to bailable or not bailable, all parties agreed in admitting one proposition as incontrovertible.

"In relation to capital offences, there are espe
"cially these acts of parliament that are the common landmarks * touching offences bailable or
not bailable." Hale, ii. P. G. 127. The enumeration includes the several acts cited in this
paper.

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^{*} It has been the fludy of Lord Mansfield to remove land-

"Persons taken with the manouvre are not bailable, because it is furtum manifestum." Hale,

ii. P. C. 133.

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"The writ of habeas corpus is of a high nature; for if persons be wrongfully committed, they are to be discharged upon this writ returned; or, if bailable, they are to be bailed:—if not bailable, they are to be committed." Hale, ii. P. C. 143. This doctrine of Lord Chief-Justice Hale refers immediately to the superior courts from whence the writ issues.—"After the return is siled, the court is either to discharge, or bail, or commit him, as the nature of the cause requires." Hale, ii. P. C. 146.

"If bail be granted otherwise than the law al"loweth, the party that alloweth the same shall
be fined, imprisoned, render damages, or forfeit his place, as the case shall require." Sel-

den by N. Bacon, 182.

This induces an absolute necessity of expresfing, upon every commitment, the reason for which it is made; that the court, upon a habeas corpus, may examine into its validity, and, according to the circumstances of the case, may discharge, admit to bail, or remand the priso-

se ner." Blackstone, ni. 133.

"Marriot was committed for forging indorfements upon bank-bills, and upon a habeas cor"pus was bailed, because the crime was only a
"great misdemeanor;—for though the forging
the bills be felony, yet forging the indorsement

se is not." Salkeld, i. 104.

"Appell de Mahem, &c. ideo ne fuit lesse a baille, nient plus que in appell de robbery ou murder; quod nota, et que in robry et murder le partie n'est baillable." Bro. Mainprise, 67.
"The intendment of the law in bails is, Quod fat indifferenter, whether he be guilty or no; but when he is convict by verdict or confession,

" then

"then he must be deemed in law to be guilty of the felony, and therefore not bailable at all." Coke, ii. Inst. 188.—iv. 178.

"Bail is quando stat indifferenter, and not when the offence is open and manifest." ii. Inst. 189.

"In this case non stat indifferenter whether he be guilty or no, being taken with the Maner, that is, with the thing stolen, as it were in his hand." Do. Do.

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"If it appeareth that this imprisonment be just and lawful, he *shall* be remanded to the former goaler; but if it shall appear to the court that he was imprisoned against the law of the land,

"they ought, by force of this statute, to deliver him; if it be doubtful and under consideration,

" he may be bailed." 2 Inft. 55.

It is unnecessary to load the reader with any farther quotations. If these authorities are not deemed sufficient to establish the doctrine maintained in this paper, it will be in vain to appeal to the evidence of law-books, or to the opinions of judges. They are not the authorities by which Lord Manssield will abide. He assumes an arbitrary power of doing right; and if he does wrong, it lies only between God and his conscience.

Now, my Lord, although I have great faith in the preceding argument, I will not fay that every minute part of it is absolutely invulnerable. I am too well acquainted with the practice of a certain court, directed by your example, as it is governed by your authority, to think there ever yet was an argument, however conformable to law and reason, in which a cunning quibbling attorney might not discover a slaw. But, taking the whole of it together, I affirm, that it constitutes a mass of demonstration, than which nothing more complete or satisfactory can be offered to the human mind. How an evasive, indirect reply will stand with your reputation, or how far it will answer, in poin

point of defence, at the bar of the house of lords. is worth your confideration. If, after all that has been faid, it should still be maintained, that the court of King's-bench, in bailing felons, are exempted from all legal rules whatfoever, and that the judge has no direction to pursue but his private affections, or mere unquestionable will and pleasure, it will follow plainly, that the distinction between bailable and not bailable, uniformly expressed by the legislature, current through all our law-books, and admitted by all our great lawyers without exception, is in one fense a nugatory, in another a pernicious distinction. It is nugatory, as it supposes a difference in the bailable quality of offences, when, in effect, the distinction refers only to the rank of the magistrate. It is pernicious, as it implies a rule of law, which yet the judge is not bound to pay the least regard to; and impresses an idea upon the minds of the people, that the judge is wifer and greater than the law.

It remains only to apply the law, thus stated, to the fact in question. By an authentic copy of the mittimus it appears, that John Eyre was committed for felony, plainly and specially expressed in the warrant of commitment. He was charged before Alderman Halifax, by the oath of Thomas Fielding, William Holder, William Payne, and William Nash, for feloniously stealing eleven quires of writing-paper, value fix shillings, the property of Thomas Beach, &c .- By the examinations upon oath of the four persons mentioned in the mittimus, it was proved, that large quantities of paper had been missed, and that eleven quires (previously marked from a suspicion that Eyre was the thief) were found upon him. Many other quires of paper, marked in the fame manner, were found at his lodgings; and after he had been some time in Wood-street Compter, a key was found in his Gg room

room there, which appeared to be a key to the closet at Guildhall, from whence the paper was stolen. When asked what he had to say in his defence, his only answer was, I hope you will bail me. Mr Holder, the clerk, replied, That is imposfible. There never was an instance of it, when the stolen goods were found upon the thief. The Lord Mayor was then applied to, and refused to bail him.—Of all these circumstances it was your duty to have informed yourself minutely. The fact was remarkable; and the chief magistrate of the city of London was known to have refused to bail the offender. To justify your compliance with the folicitations of your three countrymen, it should be proved that fuch allegations were offered to you, in behalf of their affociate, as honeftly and bona fide reduced it to a matter of doubt and indifference whether the prisoner was innocent or guilty. Was any thing offered by the Scotch triumvirate that tended to invalidate the politive charge made against him by four credible witnesses upon oath?-Was it even infinuated to you, either by himself or his bail, that no felony was committed; -or that he was not the felon; -that the stolen goods were not found upon him; -or that he was only the receiver, not knowing them to be stolen?-Or, in short, did they attempt to produce any evidence of his infanity?—To all these questions I answer for you, without the least fear of contradiction, positively NO. From the moment he was arrested, he never entertained any hope of acquittal; therefore thought of nothing but obtaining bail, that he might have time to fettle his affairs, convey his fortune into another country, and spend the remainder of his life in comfort and affluence abroad. In this prudential scheme of future happiness, the Lord Chief Juflice of England most readily and heartily concurred. At fight of fo much virtue in diffress, yor natural

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natural benevolence took the alarm. Such a man as Mr Eyre, struggling with advertity, must always be an interesting scene to Lord Mansfield.—Or was it that liberal anxiety, by which your whole life has been distinguished, to enlarge the liberty of the subject?-My Lord, we did not want this new instance of the liberality of your principles. We already knew what kind of subjects they were for whose liberty you were anxious. At all events, the public are much indebted to you for fixing a price at which felony may be committed with impunity. You bound a felon, notoriously worth 30,000l. in the fum of 300l. With your natural turn to equity, and knowing as you are in the doctrine of precedents, you undoubtedly meant to fettle the proportion between the fortune of the felon and the fine, by which he may compound for his felony. The ratio now upon record, and transmitted to posterity under the auspices of Lord Mansfield, is exactly one to a hundred. - My Lord, without intending it, you have laid a cruel restraint upon the genius of your countrymen. In the warmest indulgence of their passions, they have an eye to the expence; and if their other virtues fail us, we have a resource in their œconomy.

By taking so trifling a security from John Eyre, you invited and manifestly exhorted him to escape. Although, in bailable cases, it be usual to take four securities, you lest him in the custody of three Scotchmen, whom he might have easily satisfied for conniving at his retreat. That he did not make use of the opportunity you industriously gave him, neither justifies your conduct, nor can it be any way accounted for but by his excessive and monstrous avarice. Any other man but this bosom-friend of three Scotchmen, would gladly have sacrificed a few hundred pounds, rather than to submit to the infamy of pleading guilty in open court. It is possible indeed that he might have

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flattered

flattered himself, and not unreasonably, with the hopes of a pardon. That he would have been pardoned, feems more than probable, if I had not directed the public attention to the leading step you took in favour of him. In the present gentle reign, we well know what use has been made of the lenity of the court and of the mercy of the crown. The Lord Chief Justice of England accepts of the hundredth part of the property of a felon taken in the fact, as a recognizance for his appearance. Your brother Smythe browbeats a jury, and forces them to alter their yerdict, by which they had found a Scotch fergeant guilty of murder; and though the Kennedies were convicted of a most deliberate and atrocious murder, they still had a claim to the royal mercy.—They were faved by the chastity of their connections.- They had a sifter; -yet it was not her beauty, but the pliancy of her virtue, that recommended her to the King. -The holy Author of our religion was feen in the company of finners; but it was his gracious purpose to convert them from their fins. Another man, who in the ceremonies of our faith might give lessons to the great enemy of it, upon different principles keeps much the fame company. He advertises for patients, collects all the diseases of the heart, and turns a royal palace into an hofpital for incurables.—A man of honour has no ticket of admission at St James's. They receive him like a virgin at the Magdalene's; -Go thou and do likewife.

My charge against you is now made good. I shall however be ready to answer or to submit to fair objections. If, whenever this matter shall be agitated, you suffer the doors of the house of lords to be shut, I now protest, that I shall consider you as having made no reply. From that moment, in the opinion of the world, you will stand self-convicted. Whether your reply be quibbling

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and evalive, or liberal and in point, will be matter for the judgment of your peers;—but if, when every possible idea of disrespect to that noble house (in whose honour and justice the nation implicitly confides) is here most solemnly disclaimed, you should endeavour to represent this charge as a contempt of their authority, and move their lordships to censure the publisher of this paper, I then affirm that you support injustice by violence, that you are guilty of a heinous aggravation of your offence, and that you contribute your utmost influence to promote on the part of the highest court of judicature a positive denial of justice to the nation.

LETTER LXIX.

TO THE RIGHT HON. LORD CAMDEN.

My LORD, TURN with pleasure from that barren waste, in which no falutary plant takes root, no verdure quickens, to a character fertile, as I willingly believe, in every great and good qualification. I call upon you, in the name of the English nation, to stand forth in defence of the laws of your country, and to exert, in the cause of truth and justice, those great abilities with which you were intrusted for the benefit of mankind. To ascertain the facts fet forth in the preceding paper, it may be necesfary to call the persons mentioned in the mittimus to the bar of the house of lords. If a motion for that purpose should be rejected, we shall know what to think of Lord Mansfield's innocence. The legal argument is submitted to your Lordship's judgment. After the noble stand you made against Lord Mansfield upon the question of libel, we did expect that you would not have suffered that matter to have remained undetermined. But it was faid that Lord Chief Justice Wilmot had been pre-Gg3 vailed

vailed upon to vouch for an opinion of the late Judge Yates, which was supposed to make against you; and we admit of the excuse. When such detestable arts are employed to prejudge a question of right, it might have been imprudent, at that time, to have brought it to a decision. In the prefent instance, you will have no fuch opposition to contend with. If there be a judge, or a lawyer of any note in Westminster-hall, who shall be daring enough to affirm, that, according to the true intendment of the laws of England, a felon, taken with the maner, in flagrante delicto, is bailable; or that the discretion of an English judge is merely arbitrary, and not governed by rules of law;-I should be glad to be acquainted with him. Whoever he be, I will take care that he shall not give you much trouble. Your Lordship's character asfures me that you will assume that principal part, which belongs to you, in supporting the laws of England against a wicked judge, who makes it the occupation of his life to misinterpret and pervert them. If you decline this honourable office, I fear it will be faid, that, for some months past, you have kept too much company with the Duke of Grafton. When the contest turns upon the interpretation of the laws, you cannot, without a formal furrender of all your reputation, yield the post of honour even to Lord Chatham. Considering the situation and abilities of Lord Mansfield, I do not scruple to affirm, with the most folemn appeal to God for my fincerity, that, in my judgment, he is the very worst and most dangerous man in the kingdom. Thus far I have done my duty in endeavouring to bring him to punishment. But mine is an inferior, ministerial office in the temple of justice: - I have bound the victim, and dragged him to the altar.

JUNIUS.

THE Reverend Mr John Horne having, with his usual veracity and honest industry, circulated a report that Junius, in a letter to the Supporters of the Bill of Rights, had warmly declared himself in favour of long parliaments and rotten boroughs, it is thought necessary to submit to the public the following extract from his letter to John Wilkes, Esq; dated the 7th of September 1771, and laid before the Society on the 24th of the same month.

"WITH regard to the several articles, taken " feparately, I own I am concerned to fee, that " the great condition which ought to be the fine " qua non of parliamentary qualification, -which " ought to be the basis (as it assuredly will be the " only support) of every barrier raised in defence " of the constitution, I mean a declaration upon coath to shorten the duration of parliaments, is re-" duced to the fourth rank in the esteem of the " fociety; and, even in that place, far from be-" ing infifted on with firmness and vehemence, " feems to have been particularly flighted in the " expression, You shall endeavour to restore annual " parliaments!-Are these the terms, which men, " who are in earnest, make use of, when the sa-" lus reipublicæ is at stake ?- I expected other lan-" guage from Mr Wilkes .- Besides my objection " in point of form, I disapprove highly of the " meaning of the fourth article as it stands. When-" ever the question shall be seriously agitated, I " will endeavour (and if I live will affuredly at-" tempt it) to convince the English nation, by ar-" guments to my understanding unanswerable, that they ought to insist upon a triennial, and banish the idea of an annual parliament. I am convinced, that, if shortening the " duration of parliaments (which in effect is keep-" ing the representative under the rod of the con-" stituent)

" stituent) be not made the basis of our new par-" liamentary jurisprudence, other checks or imof provements fignify nothing. On the contrary, if this be made the foundation, other measures " may come in aid, and, as auxiliaries, be of con-" fiderable advantage. Lord Chatham's project, " for instance, of increasing the number of knights " of thires, appears to me admirable. " As to cutting away the rotten boroughs, I am " as much offended as any man at feeing fo many " of them under the direct influence of the crown, " or at the disposal of private persons. Yet, I " own, I have both doubts and apprehensions in " regard to the remedy you propose. I shall be the charged, perhaps, with an unufual want of po-" litical intrepidity, when I honestly confess to " you, that I am ftartled at the idea of so exten-" five an amputation.- In the first place, I quesse tion the power, de jure, of the legislature to " disfranchife a number of boroughs, upon the " general ground of improving the constitution. "There cannot be a doctrine more fatal to the li-46 berty and property we are contending for, than " that which confounds the idea of a supreme and " an arbitrary legislature. I need not point out " to you the fatal purposes to which it has been, " and may be, applied. If we are fincere in the " political creed we profess, there are many things " which we ought to affirm cannot be done by " King, Lords and Commons. Among these I " reckon the disfranchifing of boroughs with a segeneral view of improvement. I confider it as " equivalent to robbing the parties concerned, of " their freehold, of their birth-right. I fay, that " although this birth-right may be forfeited, or " the exercise of it suspended in particular cases, it cannot be taken away by a general law, for s any real or pretended purpose of improving the " constitution. Supposing the attempt made, I " am

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" am persuaded you cannot mean that either " King, or Lords, should take an active part in " it. A bill, which only touches the representa-" tion of the people, must originate in the house " of commons. In the formation and mode of " passing it, the exclusive right of the commons " must be afferted as scrupulously as in the case " of a money-bill. Now, Sir, I should be glad " to know by what kind of reasoning it can be or proved, that there is a power vested in the re-" presentative to destroy his immediate consti-" tuent. From whence could he possibly derive " it? A courtier, I know, will be ready to main-" tain the affirmative. The doctrine fuits him exactly, because it gives an unlimited operation " to the influence of the crown. But we, Mr "Wilkes, ought to hold a different language. It " is no answer to me to say, that the bill, when " it passes the house of commons, is the act of " the majority, and not the representatives of the " particular boroughs concerned. If the majo-" rity can disfranchise ten boroughs, why not " twenty, why not the whole kingdom? Why " should not they make their own seats in par-" liament for life?-When the septennial act " passed, the legislature did what, apparently and " palpably, they had no power to do: but they did more than what people in general were " aware of; they, in effect, disfranchised the " whole kingdom for four years.

"For argument's fake, I will now suppose that the expediency of the measure and the power of parliament are unquestionable. Still you will find an insurmountable difficulty in the execution. When all your instruments of amputation are prepared, when the unhappy patient lies bound at your feet without the possibility of resistance, by what infallible rule will you direct the operation? When you propose to

" cut away the rotten parts, can you tell us what " parts are perfectly found?-Are there any cer-" tain limits in fact or theory, to inform you at " what point you must stop, at what point the " mortification ends. To man a so capable of obse fervation and reflection as you are, it is un-" necessary to say all that might be said upon the " fubject. Besides that I approve highly of Lord " Chatham's idea of infusing a portion of new health " into the constitution to enable it to bear its infirmi-" ties, (a brilliant expression, and full of intrinsic wisdom), other reasons concur in persuading me

" to adopt it. I have no objection, &c."

The man who fairly and completely answers this argument shall have my thanks and my applause. My heart is already with him.-I am ready to be converted .- I admire his morality, and would gladly subscribe to the articles of his faith.—Grateful, as I am, to the GOOD BEING, whose bounty has imparted to me this reasoning intellect, whatever it is, I hold myself proportionably indebted to him, from whose enlightened understanding another ray of knowledge communicates to mine. But neither should I think the most exalted faculties of the human mind a gift worthy of the Divinity, nor any afistance in the improvement of them a subject of gratitude to my fellow-creature, if I were not fatisfied, that really to inform the understanding corrects and enlarges the heart. sloqqui won ill

JUNIUS.



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